Rao Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know whether there is any student of the depressed class reading in the Agricultural College ? "

The hon. Dr. P. SUBBARAYAN :—" Notice."

Irrigation

Special establishment for the construction of a reservoir across the Ponniar river.

*1777 *Q.*—Mr. K. V. R. SWAMI : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether Government intend to sanction the cost of special establishment asked for by the Chief Engineer in 1927 for the investigation of the scheme to construct a reservoir across the Ponniar river ;

(*b*) what is the probable extent of land that might be irrigated by the proposed reservoir ; and

(*c*) why this matter has been delayed so long ?

A.—(*a*) *to* (*c*) The attention of the hon. Member is invited to the answer to question No. 1353 delivered on 1st February 1929.

II

MOTIONS ON THE BUDGET FOR 1929-30.

DEMAND XI—GENERAL ADMINISTRATION—SECRETARIATS—*cont.*

The hon. the PRESIDENT :—" The Council will now resume consideration of Demand XI. Mr. Kaleswara Rao will continue his speech."

Mr. A. KALESWARA RAO :—" Mr. President, I referred to the arrest of Mr. Manoranjana Gupta at Bezwada in the night. He was suffering from 102° fever and also from very serious cough.

" I do not propose to deal in detail with the detention of Mr. Narayana Menon in prison. There is a separate cut for that and I wish only to say that the hon. Mr. Krishnan Nayar when he was a non-official Member was the most vehement supporter . . ."

* The hon. the PRESIDENT :—" The hon. Member has already said that the cut regarding the release of Mr. Narayana Menon will be moved. The hon. Member will therefore not be justified in anticipating that motion. Secondly the present question has reference only to the Government's policy of repression and not to the release of prisoners. I request the hon. Member to pass on to the next item in his list of acts of repression."

* Mr. A. KALESWARA RAO :—" I wish to submit that the Government's attitude in the case of the release of Aminabi and giving an amnesty to Mappilla rebels and putting a stop to the colonization of Andamans by Mappillas has become adamantine.

" As soon as the Congress was over, policemen have been let loose to follow, watch and shadow, sit in front of their house and annoy political workers in the various parts of the province and they have been shadowing them to such an extent that they frightened people from giving them shelter and food. That

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is the state of things in which we are now. The significance of this policy is that while the movement for freedom has been going on in the country, the Government want to suppress it.

" Repression has never succeeded in its object ; on the other hand, it has only increased the desire for freedom. Sir, the other day we read in the papers a message of the Free Press from Delhi stating that the Government of India consulted the various Local Governments and have been formulating a policy or scheme of repression to be put into force in the various parts of the country. This Government therefore must have been in correspondence with the Government of India and we have to conclude that this policy is a deliberate one and not the spasmodic or accidental act of a particular officer in one part of the country or another. All these arrests have been carried on in pursuance of a deliberate policy. Of course whenever we put any question to the hon. the Home Member in connexion with these repressive acts that are done in the various parts of the province he simply says: 'I do not know', 'I want notice.' We realize that this policy is being pursued by the Government with a consciousness of its strength in the Council. Whenever we move motions for adjournment to discuss their repressive policy carried on in the North Arcot district, in Madras City in connexion with the Neill's statue satyagraha and in the arrest of Andhra leaders, the Government are backed by the votes of the Ministerialists and the Justice party and our motions are defeated. In all this repressive policy, the Government are using the Indian officials and Indian police as their instruments and rely on the support of certain political parties who wait on them for jobs and patronage. The sufferings of these patriots in jails and the tears of their wives and children will in course of time and sooner than later destroy the autocracy and also its supporters.

11-15 a.m.

" With these words I move the motion to reduce the allotment of Rs. 42,100 for Executive Council by Rs. 100."

* Mr. ABDUL HAMEED KHAN :—" Mr. President, Sir, I rise to support this motion for a cut of Rs. 100 on the demand that is before us. I do so deliberately because, as one who is interested in freedom of speech and freedom of person in any democratic system of government, I believe that the Government should allow the people over whom it rules to express their opinion about the acts of the Government freely from the platform and through the Press. The Government should not be frightened by that criticism. I wonder why they should fight shy of that criticism. Sir, it is a well-known fact that the creed of the Congress is non-violence. It has not called upon the people of this country in answer to the unacceptable rule of the bureaucracy to resort to violence. If there have been cases of violence, I can say, without any fear of contradiction, that it was provoked and was not at all voluntary. It was on account of police excesses, it was on account of police terrorism, there was violence. The Congress for its part has once for all resolved not to resort to violence but to carry on a peaceful and non-violent agitation. If we resolve to have resort to civil disobedience, if we resolve not to pay taxes and if we resolve not to accept the decisions of the Government on various matters on which the Congress has set its heart, we have made it clear from the beginning that the people would not resort to violence. As I said previously, wherever there was violence it was due to the provocative acts of the authorities.

"Sir, to enumerate the instances of police excesses would make a long catalogue. The Government themselves know and hon. Members of this House know what those instances are. I will however refer to one case of recent occurrence, viz., the incidents connected with the first visit of the Simon Commission. Sir, you are aware that the volunteers were asked to remain in their houses and you are aware what from the beginning of the campaign of boycott of the Commission till the date of its arrival the orders of the Congress Committee were. The committee had asked all people to remain non-violent and to stay in their houses on the date of the arrival of the Commission. The only thing that the Congress called upon the people to do was to close their shops and suspend business. But, Sir, what happened subsequently? Where was the cause for violence? It was the very undiplomatic and unstatesmanlike act of one of the police officers that brought on the trouble. If the two young students had not been arrested and taken and kept in the Law College police station, I can assert, Sir, without fear of contradiction that what happened subsequently would not have happened. Under such circumstances, who is to be held responsible for any violence that resulted? It is the police and the people who are responsible to the Government for the administration of this province.

"Again, Sir, very recently there has been a wave of repression passing through this Presidency. From one end of the province to the other we hear of arrests, imprisonments, etc. In Vellore, Congress workers have been arrested. In Ramnad and Tinnevelly, Congress workers have been arrested and in the Northern Circars a leader of the position of Bulusu Sambamurti has been arrested and sentenced to imprisonment. So far, the last act in this chain of repression has been the arrest and the mysterious release of leaders of great importance like Konda Venkatapayya and our friend and hon. Colleague here Mr. Swami Nayudu. I wonder why, when they resolved to arrest leading men like our friend here, they released them forthwith. That shows that the Government were not sure of their ground. If they were really anxious about the preservation of peace in the country and if they thought that these leaders would disturb the peace, why did they release them? If these gentlemen were really criminals bent upon breaking the peace and creating trouble, why did they release them? Sir, any Government or any Administration that wishes to see a permanent and stable government established in the country should first of all carry on the administration in such a manner as to secure the trust and confidence of the people governed. Sir, what is our Government doing? Our Government is not doing anything which can be expected to win the confidence and trust of the people. By these acts of terrorism and by these acts of repression, they are making the people themselves their enemies. Sir, if the Government are really interested in the welfare of the people they should not prevent the people from giving expression to their real feelings. Therefore it certainly brings trouble on its head. I support the motion."

* Mr. C. RAMASOMAYAJULU :—" Sir, in supporting this motion, I will have to characterize the recent policy of the Government as one of melancholy meanness. The Government's action in arresting renowned leaders of pronounced political opinions under the unimportant provisions of the Police Act and criminal law and in not putting the matter squarely before the country by arresting them under the substantial sections, their policy in

arresting Bulusu Sambamurti under section 108 of the Criminal Procedure Code, their policy in arresting Mahatmaji under a nuisance section of the Police Act and their policy in arresting renowned leaders like Desabhaktha Venkatappayya, etc., and our friend Mr. Swami under section 151 of the Criminal Procedure Code, their action in all these instances shows not a policy of vindicating the law as is conceived by the Government, but, if you will allow me to say so, a cowardly procedure to stifle political activities. I can only characterize their action as one of melancholy meanness and nothing else. If the Government really feel that the gentlemen by the agitation carried on by them are likely to endanger the peace of the country, I can understand their being hauled up under substantial sections of the criminal law. But I cannot understand why these people who are any day equal to any Member sitting on the Treasury Bench should be hauled up under the nuisance sections and security sections. Sir, these denote meanness on the part of the Government which cannot be condemned too severely. The way in which the arrest of Bulusu Sambamurti was brought about and the proceedings were conducted have to be strongly condemned and it is not possible to speak of these things with any kind of moderation. If Bulusu Sambamurti was under police surveillance during all hours of the day and all hours of the night and if a special police officer was deputed to watch his movements, what was there to prevent Mr. Sambamurti being informed the previous night or before he went to the railway station at Bezwada with his wife that he was going to be arrested. If they had done that the Government could have saved the tragic scene of his being arrested when he was getting into the train with his wife and taking him away from the company of his wife at 3-30 in the morning.

"I do not think I need advance any further instances to show that the action of the Government in following the repressive policy is nothing but melancholy meanness. The latest of them was the arrest of Messrs. K. V. R. Swami Nayudu and Konda Venkatappayya which was made under very peculiar circumstances and which is not likely to bring credit either to the Government or to the country. Konda Venkatappayya has been accustomed to lead a selfless life and I do not believe that Government do not know that he is leading a selfless life. Of course my hon. Friend Sir Usman pleaded ignorance the other day of the life of Konda Venkatappayya. But I think that Government do really know that he leads a selfless life, and that his political activities are of an eminently innocent character. Well, Sir, what is the first article of their faith? It is non-violence. That is the first article of their faith. That is the guiding principle of their activities. The Government say that they are anxious for law and order. If the Government are really earnest in their professions, is that the way for preserving law and order? After all it is the Government that are responsible for breaking the peace by creating havoc in the country by arresting such renowned persons who are addicted to the creed of non-violence. Is the Government responsible for breach of peace or is it the people who are pledged for their life to the creed of non-violence? I charge the Government that they were carried away by untoward motives against these people, that if they were to arrest these leaders then hartal in Madras would not be successful at all. On the other hand, I would point out to the Government that on account of the arrest of these persons hartal was most successful in Madras.

11-30 a.m.

[Mr. C. Ramasomayajulu] [18th March 1929

"Well, Sir, I would remind the hon. the Home Member that in the case against Mr. Bulusu Sambamurti the prosecution let in evidence that, in February 1928, there were riots and disturbances in Madras and when I asked the hon. the Home Member the day before yesterday whether by arresting him the Government intended to prevent Mr. Bulusu Sambamurti from attending hartal in Madras he pleaded ignorance. I am putting it to the hon. the Home Member if persons like Bulsu Sambumurti and others were in Madras in February 1928 there would not have been the disturbances that actually occurred. In illustrating this proposition, may I put it to the hon. the Home Member my own personal experience in Cocanada in February 1928. I carried one flag in my hand and Mr. Bulusu Sambamurti was carrying another flag in his hand and we were leading an array of 4,000 people, who were most peaceful, most jubilant and most law-abiding and there was not even a hitch between them and the police. On account of the presence of peace-loving persons, persons with a spiritual culture, people who profess innocence and are innocent and preach innocence, on account of the presence of these people there ought to be no breach of peace. If breach of peace should occur it must occur, as my hon. Friend Mr. Hameed Khan put it, on account of the misguided activities of the police or the misguided activities of the subordinates of Government. Therefore Government would be better advised, if they are really earnest for law and order, in countenancing the activities of persons who are for more law and order than Government. I challenge the Government to say whether these people really intended to be breakers of peace or really intended to be instigators of breach of the peace. I do not think the Government can really say so; so much so, this sort of repressive policy that has been started only shows a policy of melancholy meanness, which they did, not for the country's cause, but for smothering the expression of feeling of the country in important matters. They wanted to show that tranquillity prevailed in the city by the time the Simon Commission arrived in the City of Madras, and that is why they resorted to all means for smothering the public opinion. If really the Government were anxious for law and order and if these public and fair-minded citizens had not been arrested, the whole city would have been much more peaceful than any action of police is likely to create.

"Then, Sir, in speaking about this motion I would only remind the Government that there is absolutely no use in professing that Government is for law and order. If they are really earnest about this, there is no use of their inciting people and by hauling up those very people who are the best helpmates to the Government in the matter of law and order. Therefore I submit that Government stand self-condemned so far as the arrest of these Congress leaders is concerned and so far as the repressive policy of the Government is concerned and I hope the whole House will support this motion."

* Mr. C. N. MUTHURANGA MUDALIYAR:—" Mr. President, Sir, it has become the practice of this Government to offer repression with one hand before granting any reforms for our country with the other. Along with the Simon Commission enquiry they have inaugurated a policy of repression in our province with an iron hand. Hon. Members of this House might remember that in North Arcot Congressmen were arrested for doing propaganda work against the so-called self-respecting people who were abusing religion and God, the Congress and the national movement. These people

were allowed to do what they liked while Congressmen from whom was apprehended any danger to Simon Commission's welcome were arrested and imprisoned. Hon. Members might remember the arrest of Congressmen for sedition for alleged speeches made at Tuticorin against the Government. This policy of repression is pursued against Congressmen and not against other people who disobeyed the orders under section 144. Other people who disobeyed the orders under section 144 in connexion with the South Indian Railway strike were let off scotfree while Congressmen only were proceeded against. Not that I accuse the Government for not having hauled them up but I wanted to point out the partiality and administrative and judicial fairness of this Government under the Indian Executive Councillors. I have no hesitation in asserting that the Government have deliberately inaugurated a campaign of repression against Congressmen. They began it with the prosecution of Bulusu Sambamurti, a member of the Congress Working Committee and a leader of non-violent activities. He was arrested and hauled up for speeches delivered during more than a year before this prosecution. Hon. Members might remember the arrest of Andhra leaders such as Konda Venkatappayya and Mr. K. V. R. Swami Nayudu on the eve of Simon's arrival in Madras. I had occasion to meet a responsible police official on that very night and I was informed that these leaders were never arrested and that the police only wanted to get some information from them and so they were sent for. But I was suprised to hear on the floor of this House the hon. the Home Member telling us that they were arrested and released on the assurance given by them and by the hon. Mr. Rama Das. That bubble has been pricked by the disclaimers issued in the press by the respective persons concerned and we know what that undertaking has become.

" Lastly, I cannot close without mentioning the recent arrest at Tirumangalam of Mr. Nityanandam and another for burning foreign cloth. The police evidently under instruction from the Madras Government, or probably they have taken the clue from the police at Calcutta, have arrested these persons for burning foreign cloth. I do not know if the Calcutta City Police Act applies to Tirumangalam also I make bold to say that this policy of repression will not pay ; but our movement will only be strengthened by such foolish and short-sighted policy of the Government. Repression has never succeeded in the history of the world. We on this side of the House consider this campaign of repression as a blessing in disguise. I would ask whether any fair-minded Government would behave as they have been doing. It is a pity that our hon. Ministers who are the elected representatives of the people should support the Government through thick and thin. But I am sure that their respective electorates will teach them the much-needed lesson in the coming election. May I appeal to the nominated Members also to vote for this motion ? I would earnestly appeal to the Justice party and also to the Ministerialists to vote for this motion. I know it is a vain appeal and I know they voted against us on a similar motion some time ago, but let them remember that the elections are fast approaching. If conviction about the justice of our cause should not prompt them to vote with us, at least self-interest and political sagacity should prompt them to vote against the Government. I appeal to them once again to vote for this motion. I warn them once again from my place here that if they do not vote for this motion their electorates would summarily dismiss them."

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* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Sir, my hon. Friend, Mr. Kaleswara Rao, spoke of the repressive policy of this Government. I had been listening very carefully to the speeches of hon. Members who referred to the motives which prompted the Government to embark upon a policy of repression. The instances that have been given so far as I am concerned are only two, viz., that Congressmen were prosecuted in North Arcot district and that certain Andhra leaders were arrested. On both these questions the House has already given its verdict. It has been said that some renowned persons have been arrested—I should like to remind the House that law is no respecter of persons. If anybody offends the provisions of the law of the country and if the police take steps to prosecute him, I do not think the Government can be accused of following a repressive policy.

" With regard to the bringing in of the Malabar Special Police to Madras, as I said on a former occasion our object was not to terrorize the people, but our object was to give satisfaction and a sense of security to the people that they had absolute liberty to do as they pleased. I have already contradicted the theory enunciated by some hon. Members that the police was used to terrorize the labourers who had been thrown out of employment during the last railway strike. I would only add that the moment the railway strike began we found acts of violence and sabotage were committed on the railway line and we wanted that the travelling public should be given perfect sense of security that they would not be exposed to any risks in travelling.

11-45 a.m. " In order to do that, we had to bring the police force from various districts to watch the railway lines. My hon. Friend, Mr. Hameed, said that the Congress workers were preaching non-violence. The Government have absolutely no quarrel with that propaganda. You can preach the creed of non-violence to any extent. When the non-violence propaganda is expected to end in violence, the Government have to take into consideration the question of making police bandobast to see that no violent acts are committed. We must remember that many violent acts are committed in the name of the so-called non-violent propaganda of the Congress workers. My hon. Friend, Mr. Hameed Khan, said that the object of the Congress workers in connexion with the boycott movement against the Statutory Commission was to see that all shops were closed and that all business was suspended. We have no quarrel with that either. But we want to make the people feel that, if anybody wanted to keep his shop open and carry on business, he would have absolute protection. That is a primary duty of the Government and if the Government do not discharge that duty, I think they have no right to exist as Government. What was the result of the police bandobast ? We all know that ' hartal was a huge ' failure. I myself drove on that day and saw everything myself. I saw my hon. Friend Mr. Hameed Khan's father kept his shop in Mount Road open. (A voice : ' At what time?') It was about 9 a.m. while returning from the harbour. I myself drove throughout the whole town ; and there was absolutely no evidence of the hartal. (Mr. S. Satyamurti : 'Was Evening Bazaar open ? China Bazaar ?') As I have said, our intention is not at all to proceed against political workers so long as they are within the bounds of law. But when disorder is sought to be brought into existence, it is the duty of the Government to take action and intervene. The police are there for that purpose.

18th March 1929] [Sir Muhammad Usman]

"With regard to the assurance that was given by the Andhra leaders Mr. C. N. Muthuranga Mudaliyar said that the bubble has been pricked. There was no bubble at all. The truth of the matter is that these arrested leaders were very much afraid and gave their assurance of good behaviour. When the report of the Commissioner on this subject came to Government it was seen not only by me but also by my hon. Colleagues of the Executive Council What I said before was not a thing coined by me. (Mr. K. V. R. Swami: 'Absolute lie.') The hon. Member can now say 'it is an absolute lie' as it does not suit his purpose. The whole world knows the truth of what I have said."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"A point of order, Sir, May I know if the word 'lie' is parliamentary?"

* The hon. the PRESIDENT :—"I do not know if the hon. Member used that word with reference to the utterances of the Government. I think the hon. Member was referring to the statements of the police. If the hon. Member says that he referred to the report of the Police Commissioner, that stands on quite a different footing. If he said that what the Government stated was a lie, I shall ask the hon. Member to withdraw the word."

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— "I am glad that, on the previous debate, the House, by a majority, has given verdict in favour of the Government. That is enough for me. I have the consolation that the majority of the House has stood by me and has accepted what I have said as absolutely true."

* Sriman BISWANATH DAS Mahasayo :—"Mr. President, Sir, my hon. Friend, the Home Member, said that he stood on the verdict of this House regarding its attitude on the repressive policy of the Government. He is not far from the truth. But the majority of the House would not have stood by his side for this so-called verdict if certain things had not happened just 8 or 10 months ago. The transformation of my hon. Friend, the Law Member, to the Treasury Bench has transformed certain Members of the House. It has transformed the mentality of certain Members to such an extent that no man could exactly guage. It would be an evil day for the hon. the Home Member if he took his stand upon such verdicts. Well, Sir, you cannot play too much on such verdicts given in return and on the communal feelings in this country. Communal feelings are dying and will die soon; they will not provide sure and safe ground for the Government to stand on.

"Time and again hon. Members of this House have stated here that they are being shadowed. Is it for the Government to say 'we are only giving you police guard?' We are told that police interference is done only in the interest of peace and order. May I ask my hon. Friend what law and order there is in shadowing hon. Members of this House? Complaints have been made on the floor of this House. May I ask what action he has taken in the matter to avoid its recurrence and whether he has at all made any enquiries? It took my breath away when the hon. Member replied, in answer to a question, that he called for the papers regarding the arrest of Mr. Sambamurti only two or three days back. May I ask my hon. Friend whether any man calling himself responsible to a House or to any people in any country will say that he has not looked into the papers concerning the arrest of one of the foremost men in this Presidency for a charge not known when he was

arrested? Is this the way how he is going to teach us responsibility? Is this the reason why Indians were making loud noise for Indianization of the Treasury Benches? Sir, it is our misfortune—we have to admit—that, with seven Members on the Treasury Benches of whom five are Indians, the Madras Presidency is not at all safer than what it was fifteen or twenty years back. One of the Presidents of the Indian National Congress, the late Sir Behari Ghosh said 'patriotism is a positive danger to the patriot.' May I ask hon. Members of various sections of the House whether what was said twenty years ago does not hold good even to this day? I am not anxious if Congress workers are harassed. Congress workers have taken the pledge to be harassed. I am therefore glad if they are. If the Government are anxious to follow a policy of repression, let them come forward honestly and say so; we, on this side of the House, will very gladly take up the challenge. I am sure that the country also will take up the challenge. When you take action under the cloak of preservation of law and order, I think it is a higgling in words. It is time that we walk on straight paths. I would appeal to the hon. Members of Justice persuasion and to my hon. Friends who call themselves Independents not to follow dubious methods of voting, if they want to go a straight path, let them do so. (A voice: 'We have done so.') Sir, I do not think they have done so. With these words I strongly support the motion and appeal to the Government not to stand on soft grounds which may, very soon, shake if they persist to tread on dangerous grounds."

Mr. K. V. R. Swami:—"Mr. President, Sir, this repression is as old as this Government itself. It is not invented to-day. This Government lives on repression and repression alone. It has no other right, either statutory or moral, to live in this country. The bureaucrats boast at times that the Government lives by the force of sword. That also we recognize. If the Government say that it wants to have recourse to repression to create moral impression in the country as General Dyer did, we can understand that. If the Government say that it only wants to maintain law and order, that is a dubious position; that is a dishonest position which we can never understand. This repression was started not to-day or yesterday. It was started along with the British Government itself. It was first started after the first war of independence in 1905, i.e., during the regime of Lord Curzon. From that time forward, new tactics have been followed and in the name of law and order, so many crimes are committed. We are not worse of for it. I regret very much that hon. Members of my party should beg of the Government not to use repression. That is not the proper attitude. We have formulated our proposals and we have to take up the challenge that is thrown at us by the Government. The Bengal people took up this attitude in 1905 and they successfully did it. Lord Curzon said 'Let there be Bengal partition.' Bengal said 'No partition.' Finally the partition was withdrawn in the year 1912. The Government said 'Let there be Rowlatt Act.' We said 'No Rowlatt Act.' That Act had to be withdrawn after being a dead letter for some time and with that law all repressive measures were withdrawn. Now again the Government have started repression. Before every reform we start with repression. Before 1909 we had repression and Lala Lajpat Rai was deported and nine Bengal leaders of high standing were expelled. After the Reforms of 1909 they were released. Again they started the game before 1919. This province simply copies what is going on in other provinces. In 1909 repression was used in

this province and men of standing in this Province were convicted under various sections. My hon. Friend, Mr. Harisarvottama Rao, was prosecuted in 1908, in the latter part of that year. Along with him, many others were prosecuted and sent to jail. Soon after we got reforms again. This time we are getting double dose and not single dose. Repression was started in 1921 and went up till 1923. What had happened in Jallianwala Bagh was repeated in the Guntur district. Everybody recognized that it would stand comparison with what had happened at the time of the Martial Law in the Punjab. It is true that the action of the hon. the Home Member was approved by the House by its vote the other day. He is gloating upon this fact both here and outside the Council. It is also a well-known fact that this Government was fully supported in 1922-23 by the Justice Party when they perpetrated those wrongs in the Guntur district. Even to-day they are supporting the Government fully and consciously; but they do not say so; they do not oppose our motion; they do not give any argument for their supporting the Government. By silent votes they always support the Government. The reason was given by my hon. Friend. Mr. Krishnan Nayar was given the place of Law Membership; they want to part away with the rights of this country in view of that position. That is the correct position; otherwise they would vote against the Government.

"It is not because the hon. the Home Member was right in arresting people without a warrant that the Justice party had sided him and given their votes 12 noon. but because Mr. Krishnan Nayar occupies the Treasury Bench to-day that they have given their vote. But they have to answer the country and the country will judge them. They will say before the country at the time of elections why they have done so. Even noble Members like the hon. the Chief Minister who have crossed the floor on the occasion when the Justice party supported the repressive policy adopted by the Government which ill-treated political prisoners in jails would perhaps side with the Government. It is not because that he is convinced of the repressive policy of Government, it is not because that the action taken by Government is wrong, but because he happens to occupy the Treasury Bench and so he must support the Government. We can understand the vote that Government got in that way. I do not want to complain at all, nor do I want to complain to-day that myself and my other friends were arrested. That is not the position that we have taken up. We want our rights; we do not want to support this Government in all their actions in the name of law and order. We do not want to support this Government when they go mad and run amock. We want to show that what they do is not proper and that they have no right to stop in this country and that they must vacate this country as early as possible. That is the attitude we have taken. We say that we are fit to rule ourselves. We want to live like other people living in their own countries; we say we do not want to be tutored or taught by them. We were free long before England was free; we were civilized long before England was civilized; we were able to manage extensive dominions than England had ever managed and so it is our attitude now. If you don't like that attitude, say that you don't like it, that you want to take up an attitude of antagonism towards us and that you want to use repression against us. Please be straightforward in your statement, but do not say that because non-co-operators have come here you thought that there would be a breach of the peace and so you arrested certain leaders of the non-co-operation movement. That is not the

[Mr. K. V. R. Swami] [18th March 1929

straightforward and honest course. Now, the other thing is, we were asked to sign a pledge, we were asked to give a security in writing and we refused to sign the pledge or give any security. We were asked to be there for some time, but all on a sudden a Sub-Inspector came and asked us why we were there. We said we were asked by the Commissioner to be there, that we were asked to give a pledge, but as we did not want to give any such pledge, we were there. He said, 'No, Sir, you are not asked to be here and you may go.' We said, 'we want to ask the Assistant Commissioner of Police,' but he said 'No, Sir, it is not needed, you may take it from me that you are not wanted here.' So, Sir, that is all that happened. But, to say that we have given a pledge or an undertaking or an assurance or something to that effect, is not true. I do not want to put it more strongly. I was there from the beginning to the end; I was there when the hon. Mr. Ramadoss Pantulu came there and we left the place together. Never a pledge was asked for, never any assurance asked for and never was any security asked for and we would not have given any security or any pledge or undertaking. If you think that your interest would be advanced by arresting certain leaders, you can arrest them without any difficulty at all. We could have pleaded not guilty, and quietly walked into the lock-up. Mr. Bulusu Sambamurti was arrested and he was prosecuted. He did not make any statement. When he was asked to stand the trial and to set up his defence, he refused to plead anything. That is the straightforward course that we have adopted for the present. What course we would adopt in future, is a different matter. In these circumstances, there is no scope for misrepresentation.

"Now, my hon. Friend the Home Member wants to cite as witnesses the whole of the Treasury Bench. Perhaps, he thinks that he cannot stand by himself and so he cites the other hon. Members. He ought to have enquired into the matter whether the hon. Mr. Ramadoss Pantulu gave any security. We are only sorry that the hon. the Home Member has brought out worse charges. That is the thing that we regret and not for anything that had happened. It is for this Council to choose what line of action should be taken. If they use repression, if it is in the best interests of the Government they may do so and reap the consequences. I will only say that every time you are using repression you are digging the grave of the empire by one foot. You will remember that people never declared independence until you have taken to repression and until you have taken to methods which you thought would be to the best interests of the country. Now, a portion of the country has declared independence. If you want to accelerate that movement, if you want to accelerate their aims, you may do what you like. You may send people to jail, you may even hang them if you like, but you will have to remember that you will be digging the grave of the empire. The freedom of England is linked with the freedom of India. Hon. Members who are more concerned about the freedom of England may know that the freedom of England and India is impartible and England would be a subject nation if to-morrow it loses India. They must see whether they should have a friendly India or an hostile India. It would be absurd if you keep India down with 300 million people for all time. You could not keep little Ireland by repression. What happened in Ireland would be repeated even in Madras and that is what will happen if these methods are employed. There are young men who think that non-violence is not a thing that they can take to, but they want to take to other methods as they have done in Bengal. If you want to

invite such methods do it and you can be rest assured that what happened in Ireland would certainly happen in Madras and certainly happen in India."

* The hon. Diwan Bahadur M. Krishnan Nayar :—"Mr. President, I have very little to add to what my hon. Friend, the Home Member, has stated. My friends on the other side referred to certain specific cases and made certain vague allegations. So far as the vague allegations are concerned, obviously, I am not in a position to answer. With reference to these specific instances, I shall attempt to answer. Now my hon. Friend Mr. Kaleswara Rao, referred to the Neill Statue Satyagraha. Now, the policy underlying that satyagraha and the movement of persons who wanted to destroy that statue were all discussed in a resolution of this Council on the 21st October 1927. In the first place I have to state with reference to this that it is rather a stale matter, because since then more than a year and a half has elapsed. The vote on that resolution that took place in this Council on the 21st October 1927 demonstrates very forcibly the attitude of this House with reference to this question and with reference to the Satyagraha movement. The resolution that was moved by a friend of mine on the other side was negatived by 67 against 29. That, I thought, was a conclusive answer to that Satyagraha movement. That is one specific instance referred to by my hon. Friend, Mr. Kaleswara Rao, and by some other friends also on the other side. Then, the other specific instance referred to by my hon. Friend was the repression in the North Arcot district. With reference to that, my hon. Friend the Home Member has made his reply. I may state in addition this. There was an adjournment motion by my hon. Friend, Mr. Adinarayana Chettiyar, on the so-called repression in North Arcot, and what was the result of that adjournment motion? That motion was also defeated by a very large majority by 59 against 38, so that this also shows the attitude which this Council has taken with reference to the so-called repressive policy of this Government. Then, Sir, the other specific instance that has been referred to by the other side is the attitude which the Government is alleged to have taken in regard to the South Indian Railway strike. I may state on behalf of Government that the Government have taken no side whatever on that occasion. They did not side either with the capitalists or with the strikers. It is obvious that the first duty of Government is to preserve peace. When those who were engaged in the strike went to the length of causing deaths of innocent men, women and children, it would have been criminal folly on the part of Government if they had not mobilized their police force to prevent the occurrence of such things and it was only to prevent such occurrences that the Government intervened and took part. As soon as the strike ceased, the police action also ceased. My hon. Friends on the other side would have been the first to condemn Government if they had not suppressed those acts of violence. So far, then with reference to the specific instances referred to by my hon. Friends on the other side. Generally, Sir, with reference to the so-called repression, Government are ultimately responsible for the action of the subordinates and I do not want to deny that responsibility. But the Government do not generally initiate proceedings under section 108 or section 109, Criminal Procedure Code. It is the obvious duty of the police and the magistracy to preserve peace and order and when they find that public peace is likely to be endangered or threatened, it is their duty to act in the manner prescribed by law. As some of my hon. Friends on the other side have stated, these orders are not intended against any Congress

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workers. Wherever the Police find that the public peace is likely to be endangered, naturally they take action. It is the duty of the magistrates also under certain chapters of the Criminal Procedure Code to pass orders to prevent the occurrence of breaches of peace."

*Rao Bahadur B. MUNISWAMI NAYUDU :—" Mr. President, I did not want to participate in this debate, but for the attitude taken by some members of the Congress party who took an opportunity to criticise the Justice party. To-day, I rise to justify the point of view of my party. As I understand it, the complaint is chiefly with regard to certain action taken by the Government recently. The main instance that was referred to was the arrest of Mr. Bulusu Sambamurti. In fact, he was arrested under a specific section of the Indian Penal Code. (A voice: 'No, no, Criminal Procedure Code.') I stand corrected, it is not under the Indian Penal Code, but the Criminal Procedure Code. Then what he did was that he refused to cross-examine or defend himself or do anything of the sort, so that there was no alternative for the magistrate but to find on the material facts placed before him. If really the action of Government was so bad and unjustifiable or maliciously taken, it was up to them to say that the action of Government was bad. If really they had no defence in law to the charges made, then they would stand self-condemned.

12-15 p.m. " Then, Sir, with regard to the alleged repression in the North Arcot district, the same thing has happened. When the two arrested persons were asked as to what they had to say on the charge, they replied that they were not going to defend themselves. Under such circumstances, what can the trying magistrate do except to decide on the materials before him? How can the Government be made to understand that the construction put by them on a certain section cannot stand in a court of law if the arrested persons do not care to defend their position?

" Coming now to the arrests made on the eve of the Simon Commission's arrival in Madras, personally I feel there was no cause for the action of the Police. (Hear, hear.) I was surprised to see the hon. the Advocate-General rising to support the action of the Police; and when I asked him about it he said that he was stating the law as he understood it. What I want the arrested persons to do is to go to court, and if need be, even to the High Court, and prove to the hilt that their arrest is illegal, unwarranted and cannot stand in a court of law. Unless this is done the Government can well say that they are entitled, nay, justified in taking such a course. For let us just understand the facts of the case. The Commissioner of Police seeing what happened on the 3rd February 1928 wanted to take precautionary measures. He apprehends that certain persons are going to commit breach of peace. He tries to ascertain from them whether it is their intention to disobey orders; and therefore he takes them into Police custody and when he finds that it is not their intention to commit any breach of peace he lets them go. Next morning in the papers we see the arrested persons declaring that they were not arrested at all. (Cries of no, no from the Swarajists.) I am only stating what I found reported in the papers. The report in the papers stated that they were not arrested. (Swarajist cries: 'It is misrepresentation of the facts.') Whatever that may be, we had it from the hon. the Home Member that they were arrested, and that the Police did

their duty to prevent any breach of peace. Here I want to repeat what I said a few minutes ago; namely, if the arrested persons felt that section 151 was wrongly used, the proper course for them was to have gone to the court and impeached such action. Instead of that we see them saying 'we are not going to take it to a court of law; for it is prohibited by the Congress creed.' On the other hand, what do we find Mahatma Gandhi doing? He purposely disobeys orders just to test the validity of the acts of the Police under the Calcutta Police Act. Therefore I say the duty lies on those concerned to show to the Government that a particular construction put by them on a section of an Act is not correct.

"Now, Sir, I am amused at the kind of abuse to which the Justice party is being nowadays subjected. It is said that we are now adapting our conduct to suit the elections, which it is apprehended will be coming very soon. But let me remind the opposition party that it is not only for us but for them also that the elections are coming."

* Mr. K. MADHAVAN NAYAR :—" Sir, I am very sorry that the previous speaker has provoked me to make a speech on this occasion. Sir, it is very strange that men like Mr. Muniswami Nayudu, in whose patriotism we have faith and whose legal acumen we respect, should come forward to support the arrest of Mr. Sambamurti and the other Andhra leaders, and argue that if Mr. Sambamurti has been convicted wrongly and if there is no proper and legal evidence against him the fault is Mr. Sambamurti's own because he did not defend the case against him and preferred no appeal to the High Court. Sir, all of us know that Mr. Muniswami Nayudu is an astute lawyer of some years standing and he must be an adept in the appreciation of evidence and knows full well what evidence is required for a conviction under section 124-A of the Indian Penal Code or section 108 of the Criminal Procedure Code. The speeches of Mr. Sambamurti—the speeches have been published in the papers and they are public property now—what do those speeches contain except the sentiments which are given expression to by many of us? To say that these sentiments are seditious is to charge all of us here as traitors or seditionists. Do we not express in this House those feelings ever and anon? Where is the man who has not felt at some moment or other like Mr. Sambamurti and expressed like him? And yet many of us are not arrested and sentenced. Sir, no man who has in him the feeling of patriotism, in whom the fire of national spirit burns and who yearns to see India liberated from her present bondage can fail to express such sentiments. I closely examined the speeches of Mr. Sambamurti and I felt that I have several times spoken like him; and if such speeches came under the incriminating sections, I must be in jail the whole of my lifetime, not one but several lifetimes. If the Government were to take into their head the arrest and conviction of all persons who have given expression to such sentiments, the whole population of India will have to be incarcerated. Sir, the question is not whether an accused has defended a case or preferred an appeal; but the real question is whether these speeches can be brought under section 124-A of the Indian Penal Code or under section 108 of the Criminal Procedure Code. I ask my Friend Mr. Muniswami Nayudu sincerely to say whether the speeches of Bulusu Sambamurti come under these sections. I am sure he will not say so. Therefore I say, Sir, that men of light and leading like my hon. Friend should not talk so lightly.

" Another argument of my hon. Friend Mr. Muniswami Nayudu was that the Andhra leaders who were arrested should have gone to a court of law and tested the legality of the arrest. I ask where was the opportunity to test it? On what charge were they arrested? Were they brought to court? In fact where was the prosecution? They were taken to a police station, detained there for a few hours and then the matter was dropped like a hot potato. If the Government thought that their action was right and if there were materials which warranted the arrest, why is it they had not the courage and the boldness to proceed against them and give an opportunity to them to test the legality of the action of the Police? And yet my friend takes the Andhra leaders to task for not testing the legality of the Police high-handedness.

" Then, Sir, my Friend referred to the argument of the hon. the Advocate-General; and this is the most startling part of his speech. Sir, the hon. the Advocate-General made the House clearly understand that he was not speaking on the facts or on the evidence of the case but that he was simply explaining the law and said that section 151 of the Criminal Procedure Code could be invoked only under such and such conditions. He made an abstract speech on an abstract matter. Sir, when Mr. Muniswami Nayudu refers to such a speech in support of his contention, I fear he is treading on very slippery grounds.

" Sir, one thing I may tell you. So long as we are under this bureaucratic Government, this foreign government, which do not sympathize with the aims and aspirations of the people, so long will this Government have to deal with a body of seditionists and traitors. It is not the Congress party or the nationalist party that are alone seditionists but the whole population of 300 millions. Sir, according to that view even the hon. the Law Member and the hon. Home Member and others are seditionists and traitors. It is only a question of degree. It was the hon. the Law Member who advocated the cause of nationalism and moved an adjournment of this House when we were arrested in 1921. Search their hearts and you will not fail to discover in them also sentiments which according to the view of the Government are seditious."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " Question ? "

* Mr. K. MADHAVAN NAYAR :—" Sir, I know they should not defend this policy so long as they are on the treasury benches. I appeal to the House therefore, to give their unanimous vote to this motion and see that it is passed."

* Mr. F. E. JAMES :—" Mr. President, from some years of political experience I have come to the conclusion that when a party is suffering from depression it always talks of repression. Sir, I have always felt some sympathy for the victims of repression, but I fear too much is made of it. Sir, the elections are coming and I am sorry that Mr. Madhavan Nayar has no arrest to boast of. For while Mr Swami will go with the halo of his recent arrest to the electorate, Mr. Madhavan Nayar will have none. The same thing applies to Mr. Biswanath Das who has to appear before his constituency in the next few months. As a matter of fact, I believe that there is practically no such thing as repression in this country. (Swarajist cries of Oh!) If at all there is repression it comes from one quarter only, and that is from the Congress party. (Laughter.) That is the one party which cannot put up

with the opinion of those who do not see eye to eye with them; they call them traitors. It is the one party which is sensitive of all frank, free and honest criticism. I say that real repression is unknown in India. If you have any doubt, go to England, go to France, go to Spain, all of them self-governing countries.

"If you say, Sir, that it is repression to arrest and imprison people of a particular shade of opinion who break the law, then I suppose you must admit that there is a certain amount of repression in this country. But I personally—and I speak for my European colleagues—do not call that repression. After all, why should the Government launch repression even if they wish to? Everybody knows that no national movement can be suppressed by the use of repression. (Hear, hear.) That is a statement to which every one will subscribe. The Viceroy, Lord Irwin, and his Executive Council, Lord Goschen and his Executive Council here are not people who are so foolish as to believe that by the use of repression they can stamp out nationalism in this country. But always in the wake of any national movement there are a number of those who cannot distinguish between what is legal and what is not. And these men by doing things which are not legal have been dragging the name of nationalism into places where it should not be taken. The primary duty of any Government whatsoever whether in this country or in any other is to see that the laws of the land are kept and obeyed and not broken, and to visit punishment upon those who break them. My friends on the other side say 'We are a non-violent party, and how can we break the law of the land?' I may remind them that there are various ways of breaking the law, various ways which are not violent at all. Simply by preaching the gospel of non-violence are they to be immune from clutches of the law altogether? I say no. And if members of any party in this House break the law in any way, then, they cannot expect the doctrine of Ahimsa to help them. Where there is a national movement as there is in this land, I am quite prepared to admit that the Police in this country as the police in any other country may sometimes commit mistakes. After all, they have to preserve the peace here, and the public opinion of this country at present is not in a very advanced stage, and therefore there are more opportunities for mistakes being made by the Police. For, after all, a country generally gets the Police it deserves. But when you accuse the Government of a general policy of repression, I say there is no such policy. You cannot prove it. If you can prove that there is repression in this land such as exists in several countries in the world, if you can prove that the Government are using illegal weapons in order to stamp out the legitimate expression of national or individual views, then you will have many more sympathizers than you have got to-day. But simply to get up and make wild statements that the Government are practising repression when that Government are merely exercising their normal functions and following methods which are quite within the confines of the law of the land, I say, is not statesmanship. It is not even good politics. It is merely abuse and that is going to benefit no one." (Cheers.)

12-30 p.m.

* Mr. P. ANJANEYULU :—" Mr. President, Sir, I listened very carefully to the scientific analysis of the word 'repression' without applying it to this country from the hon. Member Mr. James. I quite appreciate him in a measure but I only wish he applied it more correctly to this country, and took the circumstances of the country more into consideration for his speech to be better appreciated. I also thank him for the lovable

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compliments he paid to hon. Members of this House who happen to belong to the Congress party. When the time comes we shall remember all those compliments and return them with interest. As far as the repressive policy of the Government is concerned, he has practically taken advantage of the absence of the Advocate-General and has pleaded on behalf of the Government that there was no such policy which could be styled as repression. Honourable citizens of this Presidency may without notice, without warrant, without any justifiable cause, under the pretext of a section which is much mutilated and misused by the police, be arrested, and they may be kept for long hours pending the arrival of the head of the department to give his verdict on the action of his subordinates; they may be asked to go away at dead of night without any sort of conveyance whatsoever. Again when people come from one presidency to another on proper legitimate business, they may be arrested in the middle of the night, taken to the prison house and may not be allowed to be let off even on bail. All these are not matters of repression. If only my hon. Friend Mr. James were in the position in which Desabhakta Venkatappayya was, then I am perfectly sure that the sort of Ahimsa which he wants to preach to us to-day, he would not have been able to practise. I know—and I claim to have some acquaintance with some of the European gentlemen with whom I can even claim a sort of friendship—their mentality and I know the mettle they are made of and I know the Ahimsa they are capable of practising. I know my hon. Friend Mr. James under those circumstances would have lost and forgotten all that preaching which he has used towards the Congress benches here. And I do not know to what extent he would have gone under the circumstances under which Mr. Venkatappayya was placed that night. (Hear, hear.) Apart from that, if the Government are not actually propagating a policy of repression, are they abetting it? When we bring certain matters on the floor of this House to the notice of the hon. the Home Member, he very often tells us that the Government itself did not pass orders on certain matters regarding certain actions of the police; and the next answer was that the Government had no information on certain matters. Well, Sir, are they indifferent? It must be one of two things. Either they are giving some instructions to their subordinates which they are unwilling publicly to avow. Or, their subordinates feel so free in the matter that without orders from the Government they take the law in their own hands and use it, rather misuse it, much to the inconvenience and trouble of lawful citizens of this land. I say in all seriousness to the hon. the Home Member that it is up to him to make enquiries when we make certain statements. It is not always for us to prove to the hilt that the police are doing certain actions which cause inconvenience to the lawful citizens, that they are subjecting people to espionage, that they are going from place to place and giving trouble to the citizens. He only says 'Give me concrete instances and I will enquire'. Why not he ask the head of the department whether the police are doing such and such things or not? I can give half a dozen instances how these police people shadow gentlemen who are attending to work of a legal nature, how they often shadow them, how they go from place to place. Mr. Ponniah Sastri who had been arrested on the 17th of last month is still, I think, being pursued and shadowed by the policemen, and Gollapudi Sitarama Sastri, B.A., B.L., High Court Vakil, and Mr. I. Suryanarayana, Vakil, Tenali, are being shadowed by the police. They cannot open their mouths, but there

should be half a dozen police men just shadowing them; wheresoever they may go, the police also go there throughout the whole district from place to place. Is this for this purpose that they are there? I am even told—I may be wrong, but this is my information—that these policemen are paid travelling allowance, that they are paid Rs. 10 or Rs. 20 or a lump sum to pursue some of these political workers. Wherefrom are they getting this money? Is it from the Government or is it from their own purses? If they are spending money like this, it is up to the Government to know the sums they are paying to the constables, the head constables and the sub-inspectors. They are wasting time and money and are not at all doing their legitimate duty. They are not available when any murder takes place, and report such cases as undetected cases. They are always after honourable gentlemen who are going about peacefully doing their duty. It may be they are political workers. If therefore this does not enable us to charge the Government with pursuing a policy of repression, I fail to understand which does. It may be that the hon. the Home Member and other members of the Treasury bench, when certain facts are brought to their notice, are enquiring and interfering to see that certain wrong actions are not done by their subordinates. That is not the policy which should be followed. Their policy ought to be that they should give strict instructions and orders to their subordinates not to interfere with men who are legitimately going about their business. I will not say more about this repression, Sir, but there it is. And it is up to the hon. the Home Member to kindly make enquiries into the matter. I can give more instances later on as far as my district is concerned, and I request him to see that immediate orders are passed that gentlemen are not interfered with when they are carrying on their legitimate work."

* Mr. A. Ranganatha Mudaliyar:—" Mr. President, I am rather glad that my hon. Friend, Mr. F. E. James, has intervened in this debate, for his speech really shows to us how the vision of even the best among the European Members gets clouded by the vested interests they have in this country, and by the surroundings in which they live, move and have their being. (Hear, hear). Sir, he was amazed at the amount of liberty we in India are enjoying. I would put to him a simple question. He says England is a country in which freedom is not to be had to the same extent as we have in this country. May I therefore ask him, Sir, why he should grudge that we should be given the same freedom as that which exists in England and whether he would be satisfied to have in his own country the abundant freedom which he finds in this country? We know that no country can ever attain freedom without going through a large amount of trouble and suffering and sacrifice. We are prepared for that, and God willing we will pursue straight and honest methods to achieve that object. In that there would be danger, and for that we are prepared. (Hear, hear.) The hon. Member, Sir, asks us what evidence we have to prove the repressive character of the policy recently pursued by the Government. I hope he is acquainted with and reading what is taking place not only in this province but all over India. Can he not see that there is a change in the methods now being pursued by the Government? Well, Sir, from what even my Friend Mr. Muniswami Nayudu said and also what the hon. the Advocate General said it is quite clear that the application of the police provisions for the arrest of Messrs. Swami, Venkatappayya and others was entirely wrong and illegal. Now as

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regards Mr. Sambamurti the Government have applied the provisions of the Code of Criminal Procedure which are meant to be applied to cases of people with no ostensible means of livelihood, persons habitually addicted to house-breaking and theft and so on. Is it fair to apply them to political opponents? Mr. Sambamurti is supposed to have preached sedition. Well, there are substantive provisions in the Penal Code. Why not bring him up under that, so that he may be tried and if he does not plead, he takes the responsibility brought for the consequences of such an omission. That would be the legal and proper course. But this method of achieving an object by using sections in a way which they were never meant to be is a mistake which the Government may very well avoid, and could have avoided. My Friend
12-45 p.m. Mr. K. V. R. Swami claimed that he is not friendly to Government. With due deference to him, I venture to doubt that statement altogether. If he is not a friend of the Government why should he object to their digging their own grave and draw the attention of the Government to such acts as he has referred to. He is really helping the Government to rectify their mistakes and the House will see that people such as he are friends of the Government to an extent more than they realize. I hope that the Government would from that standpoint profit by the discussion that has taken place here and avoid the mistakes, they have hitherto been guilty of."

*The hon. Mr. T. E. Moir:—" Mr. President, one hon. Member who took part in this debate referred to the remark made by my Colleague, the hon. the Home Member, that we, his Colleagues, were aware and approved of the steps which he had taken in the discharge of his responsibilities. It was insinuated that he made that remark because he could not stand by himself; that is an entirely false description of the character, and sense of responsibility of my hon. Colleague. I do not rise to labour that point; I say that not only he is capable of standing by himself, but that in this matter he does not stand alone. That applies also to my hon. Colleague, the Law Member, and I wish to say that the action they took had the entire approval of their Colleagues. After all, what is it they are accused of having done? The best answer to that question can be based on the explanation of the Congress creed as given by a number of hon. Members on the benches opposite. If I understood them aright, their conception of the Congress creed is one under which each individual should have the right to conduct his private affairs and his public affairs within the law without intimidation or oppression. And that is exactly what my hon. Colleagues have sought to achieve.

"I entirely agree with the remark of one hon. Member, Mr. James, that the mere profession of a creed does not necessarily impose that creed on another, and we know perfectly well what happened something over a year ago, when leaders from the Congress party in this city made too great an assumption that merely to proclaim a creed would ensure its observance. We know perfectly well that they proved incapable of enforcing the observance of that creed. Possibly the Government too at that time had placed too great a trust in their capacity, in the capacity of the Congress leaders (A voice: No, Sir) to ensure its observance on the part of those whose sympathies they were anxious to arouse. Possibly the Congress party never learns a lesson, but the Government does (A voice: Really?) and it was their determination that on this recent occasion full effect should be given to those principles which, I understand, form the basis of the creed of the Congress

Party. What was the result? It is perfectly true that Members on the benches opposite and others who follow them desired to have nothing to do with the Simon Commission; it is also true a large number of Members of this House desired to co-operate with them; (A Voice: Question) there were other Members of this House who desired to have an opportunity of placing their views before that Commission; there were many other sections of the community which desired that an opportunity should be given to their representatives to place their case before that Commission; and, I may say this, it was the desire of all law-abiding and peaceful citizens of this City that those individuals, those Members of this Council and citizens should be able, without let or hindrance, to exercise what was a perfectly legitimate claim and was approved by those who look to them for guidance (A voice: Emergency leaders). The hon. Members opposite desire to show that they had no lot or part with them who desire to express their disapproval of the Simon Commission. We had to provide a legitimate opportunity for the expression of their views, and the Government and my hon. Colleague, the Home Member, took care that arrangements were made so that they and their followers might proceed peacefully and without molestation in procession to the beach where I understand they intimated their entire disapproval of the Commission to the Bay of Bengal. (Hear, hear, and laughter.)

"May I turn to one other remark and charge that was made against the department under my hon. Colleague, the Home Member? One hon. Member, Mr. Hameed Khan, suggested that the police had adopted a deliberately provocative attitude, and that their desire was to promote and promote disorder. (A voice: They did, Sir.) That is not only an unjust and ungenerous charge but it is a foolish charge. Who are they that suffer most if disorder breaks out or riots take place? It is the members of the police force themselves: it is they who have to suffer most; it is they who are stoned, who are abused, and it is they who have to exercise the greatest restraint under circumstances of the greatest provocation.

"I say this, and say without fear of contradiction, that, even as in the army men whose most earnest prayer is that war may not come again in their time are the men who have the greatest experience of its horrors, so in the police force, its officers and men who, as has happened to them far too often of recent years in this country, have seen their comrades subjected to violence and made the target of gross abuse for discharging a very difficult task, have the least desire to be faced with disorder or riots; or civil conflicts in which members of the force have to stand between opposing mobs and have generally to bear the brunt of all the violence which takes place. There is little time at my disposal, and in conclusion I shall merely refer to the speech of the hon. Member from Rajahmundry. He gave us a lengthy disquisition upon India's past. But what we on this bench have been, and are, concerned with is India's future. Our task is to ensure that until that future is determined, law and order shall be preserved, and that when that future does come we shall be able to hand over intact to the new regime the principle that law and order must be observed and that it is the first duty of a Government to see that they are observed."

The question 'To reduce the allotment of Rs. 42,100 for Executive Council by Rs. 100' was put and lost.

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Mr. G. Harisarvottama Rao demanded a poll and the House divided thus :—

Ayes.

1. Mr. P. C. Venkatapati Raju.
2. ,, R. Srinivasa Ayyangar.
3. ,, Sami Venkatachalam Chetti.
4. ,, S. Satyamurti.
5. ,, C. V. Venkataramana Ayyangar.
6. ,, J. A. Saldanha.
7. ,, G. Harisarvottama Rao.
8. ,, Basheer Ahmed Sayeed.
9. ,, C. S. Govindaraja Mudaliyar.
10. ,, Abdul Hameed Khan.
11. ,, L. K. Tulasiram.
12. ,, K. V. R. Swami.
13. ,, D. Narayana Raju.
14. ,, K. R. Karant.
15. ,, K. Madhavan Nayar.
16. ,, P. Anjaneyulu.
17. ,, C. Obi Reddi.
18. ,, A. Parasurama Rao.
19. Mr. C. Ramasomayajulu.
20. ,, T. Adinarayana Chettiyar.
21. ,, P. Bhaktavatsulu Nayudu.
22. Sriman Biswanath Das Mahasayo.
23. Mr. A. Kaleswara Rao.
24. ,, K. Uppi Sahib.
25. ,, M. Narayana Rao.
26. ,, C. N. Muthuranga Mudaliyar.
27. ,, K. V. Krishnaswami Nayakar.
28. ,, Muhammad Meera Ravuttar.
29. ,, C. Venkatrangam Nayudu.
30. ,, A. Ranganatha Mudaliyar.
31. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
32. Mr. K. P. Raman Menon.
33. ,, C. R. Parthasarathi Ayyangar.
34. ,, R. Nagan Gowda.
35. ,, C. Gopala Menon.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, ,, S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Mr. Hilton Brown.
9. ,, H. A. Watson.
10. ,, C. A. Souter.
11. ,, S. H. Slater.
12. ,, A. McG. C. Tampoe.
13. ,, V. Ch. John.
14. ,, M. A. Manikkavelu Nayakar.
15. ,, Syed Tajudin Sahib.
16. ,, H. B. Ari Gowder.
17. ,, J. Bheemayya.
18. ,, R. Foulkes.
19. ,, P. J. Gnanavaram Pillai.
20. ,, Muhammad Schamnad Sahib.
21. ,, Muppil Nayar of Kavalappara.
22. ,, J. Kuppuswami.
23. Subadar-Major Nanjappah Bahadur.
24. Mr. Al. Ar. Narayanan Chettiyar.
25. Rao Bahadur O. M. Narayanan Nambudripad.
26. Mr. N. Siva Raj.
27. Rao Sahib L. C. Guruswami.
28. Mr. V. I. Muniswami Pillai.
29. ,, W. P. A. Soundarapandia Nadar.
30. Mr. S. Subrahmanya Moopanar.
31. ,, Daniel Thomas.
32. ,, S. Venkiah.
33. Rao Sahib R. Srinivasan.
34. Mr. C. E. Wood.
35. ,, F. E. James.
36. ,, H. F. P. Hearson.
37. ,, S. N. Dorai Raja.
38. ,, S. Arpudaswami Udayar.
39. The Zamindar of Kallikota.
40. Mr. Abdul Hye Sahib.
41. ,, U. Ramaswami Ayyar.
42. ,, Khalif-ul-lah Sahib.
43. ,, G. R. Premayya.
44. Swami A. S. Sahajanandam.
45. Mr. V. Ramjee Rao.
46. ,, B. Ramachandra Reddi.
47. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
48. Rao Bahadur Sir A. P. Patro.
49. Diwan Bahadur P. C. Ethirajulu Nayudu.
50. Mr. P. T. Rajan.
51. ,, T. K. Chidambaranatha Mudaliyar.
52. ,, Abdul Razack Sahib.
53. ,, T. M. Moidoo Sahib.
54. Rao Bahadur K. Sitarama Reddi.
55. ,, B. Muniswami Nayudu.
56. Mr. K. Sarabha Reddi.
57. The Zamindar of Mirzapuram.
58. Kumararaja of Venkatagiri.
59. Mr. A. V. Bhanoji Rao.

Neutral.

1. Dr. (Mrs.) S. Muthulakshmi Reddi.
2. Diwan Bahadur P. Kesava Pillai.
3. The Zamindar of Seithur.
4. The Zamindar of Gollapalli.

Ayes 35. Noes 59. Neutral 4.

The motion was lost.

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* The hon. the PRESIDENT :—"I now put the grant to the vote of the House."

"The question is— 1 p.m.

'That Government be granted a sum not exceeding Rs. 6·95 lakhs under Demand XI—General Administration—Secretariats'."

The demand was carried and the grant made.

DEMAND XII—GENERAL ADMINISTRATION—MISCELLANEOUS.

* The hon. Mr. T. E. MOIR :—"On the recommendation of His Excellency the Governor, I move

'that the Government be granted a sum not exceeding Rs. 8·20 *lakhs under Demand XII—General Administration—Miscellaneous.'*"

The hon. the PRESIDENT :—"The question is 'that the Government be granted a sum not exceeding Rs. 8·20 lakhs under Demand XII—General Administration—Miscellaneous'.

"As regards the first cut, the hon. Member (Mr. J. A. Saldanha) will have to convince me as to how this cut is relevant. The subject deals with only Commercial Accountants. I am not able to understand how a discussion about supplementary demands is admissible when we are considering Commercial Accountants."

* Mr. J. A. SALDANHA :—"What we want is as good a commercial audit as possible, and I have two or three points. The first is the slip-shod method of making supplementary demands."

* The hon. the PRESIDENT :—"That is clearly out of order."

* Mr. J. A. SALDANHA :—"My second point is to show the need for appointing a special auditor to show how the previous grant was spent and why further grant was needed."

* The hon. the PRESIDENT :—"The question relates to the Finance Department. It has nothing to do with the special accountants. If the hon. Member had moved a cut regarding the Secretariats in the previous demand he would certainly have been in order. But we are now considering the question of Commercial Accountants. It is clearly out of order."

* Mr. P. BHAKTAVATSULU NAYUDU :—"I beg to move the motion which stands in my name—

'To omit the allotment of Rs. 10,000 *for Commercial Accountants.'*

"In doing so, I request the House to hear me patiently as I am not a good speaker and cannot go into things in a lawyer-like fashion. In my opinion, this is another waste of public funds that this Government is perpetrating. The Government possess a big establishment for audit and there are also regular departments for audit purposes. In spite of these, they want to go in for a Commercial Accountant simply because, I think, they want to encourage an European firm. This is nothing but a short-sighted policy of Government in order to encourage their own foreign firms at the expense of Indian

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Public funds. I am strongly of the opinion, and I am sure that I hold a correct opinion, that the Audit Department under Government is quite sufficient to do their audit work and that there is absolutely no reason for having a special department as Commercial Accountants. This subject has been discussed on many an occasion and the utter futility of it has been exposed; but the Government do not see their way to abolish this department but want to spend nearly Rs. 10,000 unnecessarily out of the Public funds which may be utilized for other very good purposes if the Government are really earnest and sincere. Can they not do away with this department? Do they consider it quite inevitable and quite necessary? I therefore submit that this motion may be carried."

Mr. K. R. KARANT :—"I second it."

*The hon. the PRESIDENT :—"The question is—

'*To omit the allotment of Rs. 10,000 for Commercial Accountants*'."

*The hon. Mr. T. E. MOIR :—"Mr. President, the necessity for Commercial Accountants is based upon the fact that there are now in various Departments of Government various commercial concerns, the accounts of which cannot be properly exhibited under the ordinary system of Government accounts, which do not regard Government Departments as commercial concerns. That is to say, there is no relation between the ordinary Government accounts and those which are maintained by business organizations or firms. The only method in which the results of any commercial concern can be shown is by adopting the system of accounts, which is universal throughout the business and commercial world. For example, we have a Soap Factory, we have various commercial concerns in the Forest department, we have a Cannery and so on, and to the best of my recollection, this House has always insisted that the transactions of these concerns should be shown in the form of commercial accounts.

"Now, audit, Sir, is a function of the Central Government, that is to say, all ordinary Government audits, are carried out by and at the expense of the Central Government; but the Central Government are under no obligation to provide us with separate commercial accounts. When the Government of India Audit Department was started it did not include a section of commercial audit. But partly to meet their own requirements, because they have also various commercial concerns, and partly to meet the demands from the provinces, they established a section for commercial audit. This was done on the understanding that the provinces would pay *pro rata* for services rendered so far as accounts were concerned. Until that organization came into being we employed the services of a Firm of Chartered Accountants in this city. When they, the Government of India, completed their arrangements for commercial audit and posted an officer of their department to Madras, matters concerning our commercial accounts were transferred to that department, and this sum of Rs. 10,000 represents the amount which on the present calculation we have to pay to that Audit Department of the Government of India for such services."

*Mr. C. V. VENKATARAMANA AYYANGAR :—"Mr. President, I am surprised at the reasons which the hon. the Finance Member has given to support this grant of Rs. 10,000.

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"First of all, Sir, I am not convinced that this figure of Rs. 10,000 is correct. Looking at the previous figures I find the actuals for 1927-28 to be Rs. 7,368. In their usual way of budgeting for more than what is necessary, the Finance Department seems to have budgeted for Rs. 10,000 for 1928-29 and as usual, the actual expenditure according to the revised estimate for 1927-28 came only to Rs. 6,500. So may I ask, Sir, whether the hon. the Finance Member has considered it necessary for him to justify this budget estimate of Rs. 10,000 for 1929-30. I understood from what the Law Member and other Members on the Government benches have said on previous occasions that the proposal is more and more to reduce the number of commercial concerns rather than to increase them. If that is so, may I ask the Finance Member why there is such a jump of more than one-third for 1929-30 over the revised figures of 1928-29. After all, Sir, this is a small matter.

"I am now anxious to deal with the root of the question. What puzzles me most is 'whether it is necessary that Government should maintain a difference between other departments and these so-called Commercial concerns department?' and if it is necessary to maintain the distinction, whether the Government of India are not bound to pay for the whole audit expenditure of this Government including this present question of commercial concerns.

"The Finance Member threw on our face that this Council expressed on more than one occasion that they wanted a Commercial Accounts Department. I have been in this Council, Sir, for the past nine years and cannot remember even a single occasion when this question was raised in this Council. I should be glad if the hon. the Finance Member can kindly point out to me the occasions when this House expressed such a desire. But I know, Sir, that originally there was not much distinction expressed at all between commercial concerns and other departments and I am unable to understand the necessity for such a difference at present.

"Then came this question of Commercial audit and Messrs. Fraser & Ross were entrusted with the work. (Here the hon. the Finance Member was seen nodding his head to express a negative.) The hon. the Finance Member may nod his head. I desire to express that I have great confidence in Messrs. Fraser & Ross. They are excellent people and they are auditing many of the concerns in which I am very much interested. The Finance Member did not mention the name of that firm but simply referred to a company. I do not think I am wrong when I name that firm. If I am in the wrong, let him correct me.

"Sir, I was referring to the difference that was made between commercial concerns and other concerns and I desire to state that this division was not the result of the request of this House. Messrs. Fraser & Ross were appointed so far as commercial concerns were concerned and they were being paid commissions for checking these accounts. Now, I would say, Sir, if at all the difference is necessary, which we do not admit, it is better that an independent firm like Messrs. Fraser & Ross be entrusted with the work. I do say, Sir, that for any audit to be fairly correct and reliable and if it is to tell us exactly as to how the accounts stand, it is necessary that this should take place by outside firms which will not be liable to the common official bias,

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1-15 p.m. "Therefore I say that it would have been better for them to engage at whatever cost respectable outside auditors like Messrs. Fraser & Ross and a number of other certified firms and individuals. For some reason or other they have confidence only in their own audit officers. They have no confidence in any outside body. The moment an experienced gentleman for whom they had respect goes out of office, whether it be Mr. Arogyaswami Mudaliyar or *X* or *Y*, he loses their confidence. There is no reason why the Government should have dispensed with the services of auditors from independent and respectable firms like Messrs. Fraser & Ross and appointed persons who cannot ordinarily be expected to give independent views. I go further and say that there is absolutely no necessity for this division of the concerns into commercial and non-commercial. Why do they call a few concerns commercial concerns? I ask the hon. the Finance Member whether every one of the departments of the Government, viz., the Mettur project, is not a business concern. Does he not say every time we raise debates connected with particular activities of the Government that for everything there is a financial aspect. So, on his own showing, every activity of this Government has a business or commercial aspect. Did he not say in connexion with the Mettur project that we have to look at both sides of the question? The Chief Engineer in his note supplied to us a few days ago regarding the Mettur project wanted to convince us and the Government that the project will result in an income. Does it not mean that it is treated as a business concern? They gave figures to show that on the $7\frac{1}{4}$ crores being spent on that project they expected, on some imaginary calculation at least, 6 per cent income? Do they not carefully audit the accounts of the Mettur project, in fact, every pie spent on it? Is it not their policy to consider every question of irrigation from its productive aspect? All these show that every public concern is a commercial concern. Therefore to say that there are only a few concerns which should be considered as commercial concerns is quite wrong in policy.

"Take the forest and allied departments. Why should Cinchona alone be treated as a commercial concern? Why should Chenat Nair or Mount Stuart and one or two other schemes be considered as business propositions and others not? I would ask the Government to treat every activity of the Forest department, whether it be the making of sleepers or sale of minor forest produce or again the sale of fuel, as a business proposition. To treat some concerns as commercial concerns and others not is not at all reasonable. In every department do they not calculate the receipts and expenditure? Do they not, in the Survey department, take note of the survey fees charged and pay for the establishment having an eye on the income? The basic principle on which the Government have decided to run some concerns as business concerns is not at all sound. I would go to the very root of this question of commercial concerns and say that, wherever these concerns are maintained by Government as commercial concerns, they are doing an injustice to the commercial community. I am sure my European friends would not fully endorse the action of the Government in this respect. It is against the declared policy of the Government of India and of this Government to run any industry as a commercial concern. Their policy is that they will not at any time compete with private concerns. The very question of a commercial concern goes against this declared principle.

"Sir, I have been fighting for the establishment of several training institutions for educating our people in various industries. The Government have

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more than once admitted that when once the training was over the Government would not have anything to do with the concern.

"I will now take the Kerala Soap Factory. They started it as a new industry and it was excellent. But why do they continue to run it when, according to the audit report, it is a losing concern. Should they not, according to the promise more than once given, dispose of it to some private individual subject to the condition that a fair offer is received? When are they going to receive such an offer? What is their idea of a proper offer? I say therefore that a number of these concerns should be closed as commercial concerns.

"Let us take the Chennat Nair. This scheme was started on the expectation that it would prove to be a source of income to the Forest Department. We find that it is not run on commercial lines. What is the use of calling it a commercial concern if it is not run on commercial or business lines? My hon. Friend from the Chamber of Commerce said the other day that the Government were running up the salaries of their officers and the Government should take that warning seriously. Sir, these commercial concerns should be continued only for the purpose of training our men. If that is our object, they must necessarily be losing concerns. The Minister for Development agreed the other day that in some of the industries the aspect of profit was not taken into consideration. Our object is to give training to our people. Once the training was over, the concern must be closed down and sold for anything that could be got. It is this view that I stressed at the time of the general discussion of the budget. I repeat that there is no reason whatever for continuing concerns like the Soap Factory. I am saying that there is absolutely no necessity at all for the accounts auditor if there is no commercial concern. I gave the example of the Soap Factory simply to show that in spite of the protestations of the Government they are maintaining it as a commercial concern. If that losing concern is closed there will be no necessity for its commercial audit and the expenditure on the audits will be pro rata reduced.

"Sir, our complaint is that so far as these official auditors are concerned they have no power to make suggestions for improvement. On occasions, independent auditors like Messrs. Fraser & Ross would suggest the need for economy in the establishment charges and according to Kautalya, one referred to by our last Finance Member, not more than 25 per cent of the income of a department should be spent on the establishment of that department. If the auditor to be appointed is a paid servant of the Government he would not make proper recommendations. I do think, therefore, that there is a need why we should have a special department of auditors for which this Government should contribute. Sir, one thing will clearly show the difference between the Government auditors and independent auditors. I referred to it in general terms at the time of the general discussion and it is this: Non-official auditors would not overvalue the stock-in-hand. I will give an instance which occurred in a concern in which I am interested. It gave for the purpose of income-tax its net income as 75,000 rupees. The income-tax officer said that the value given to the stock-on-hand was not correct. He valued them at the market-rate and our income at once rose to four lakhs and we had to pay income-tax on four lakhs. This shows that the price of the stock-on-hand can be easily manipulated. Therefore I say that unless we employ non-official auditors of good reputation, we cannot be sure of the correctness of their figures regarding stocks.

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" Sir, with regard to Chenat Nair Scheme these people were showing profits and I was questioning the correctness of their figures. (Mr. G. Harisarvottama Rao : Hear, hear.) They show profits by manipulating the figures and giving imaginary value to the stock-on-hand. There was timber seasoned and unseasoned and the auditors simply agreed that the prices quoted for them by the officers were correct and certified the balance sheet as correct. We all knew that one day or other the whole thing would be exposed. That took place two years afterwards. White ants had the benefit of the timber and we were told that that timber was not marketable and that the market price of the stock had to be reduced with the result that the scheme proved a failure and there was a huge loss. In regard to this concern I believe the hon. the Law Member is for closing it down in spite of what the Finance Member might say. We are told that it is a losing concern and must be closed. This is concern No. 2. No. 1 concern is the Soap Factory which must be closed down and sold to some private agency or individual. Perhaps there will be difference of opinion between the hon. the Law Member and the hon. the Finance Member in the matter of discontinuing the Chenat Nair.

"I wish to say one word about another losing concern, viz., the Russellkonda Saw Mill. The Home Member, I believe, was in charge of that department. He said, 'well, we will scrap it,' but the Finance Member came to the rescue of Messrs. Parry & Co. They both of them went hand in hand and inspected the mills. What is the result? This year it has resulted in a profit. This saw mill which showed a debit balance year after year suddenly emerged into a profitable concern. (Mr. G. Harisarvottama Rao: Hear, hear.) Is the hon. the Finance Member such a lucky friend of Sri Lakshmi that because he visited that place and touched it with his feet, and waved the magic wand carried by him, this concern now reports, according to the auditor for whom we are now asked to vote this sum of Rs. 10,000, a profit? I want to know whether this auditor has checked the price of the stock-on-hand with the price prevailing in the market. Are they sure that they will not have to sell the stock at reduced prices next year?

"I have only one point more to mention to show the untenable nature of the division into commercial and non-commercial concerns. Are the Government going to have audit for the Jail industries. I want to know why the Jail industry is not made a commercial concern. We have at Coimbatore a big weaving mill."

* The hon. the PRESIDENT :—" The Council will now adjourn and re-assemble at half past two."

The House then adjourned for lunch.

After Lunch (2-30 p.m.).

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I was before lunch just referring, Sir, to the policy, or want of policy as I call it, according to which the Government were having imaginary notions of these jails being treated as commercial concerns. I wanted to show that these jails were manufacturing several kinds of articles just like any other business concern. I was just beginning to refer to Coimbatore Jail. In the Coimbatore Jail, they do have a big weaving machinery run by power and they wanted and they do want practically to supply all Government departments in the Presidency with all

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the articles manufactured there and also to sell them in the open market. So much so the number of orders received in jail this year was very large and the authorities thought they could not execute those orders before the end of the official year owing to some difficulty and there was a short strike. What I want to add is this: not being satisfied with this power loom factory, they have recently opened a power spinning factory with about 3,000 and odd spindles. Those of our friends who have anything to do with the power spinning factories, will know that, although this power spinning factory is a small factory with about 3,000 spindles, we ought to have a capable hand in charge of that, we have to have the preparatory machinery for that and that it will be a losing concern ultimately. I am objecting to the addition of this because it will be a big losing concern if there is a special audit and. . ."

* The hon. the PRESIDENT :—" Order, order. I am trying to see how the argument that a particular concern is a losing cencern or a useful concern will be relevant to the question under discussion, viz., whether the commercial accountant shall be continued or discontinued. The object of keeping accounts is not the issue, but the issue is whether the commercial accountants should be continued or not. I do not think the hon. Member will be justified in giving a number of illustrations to show how several Government concerns have been losing concerns. I would therefore request the hon. Member to go to the main subject instead of giving instance after instance of losing concerns."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I bow to your ruling, Sir, I was only explaining as to how the Government should be treating these jails as commercial concerns and while referring to that aspect of the matter I extended the scope of my argument to various concerns of the Government which should be considered as commercial concerns."

The hon. the PRESIDENT :—" The hon. Member is not in order to refer to those instances or to explain the scope of his argument."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I bowed to your ruling, Sir. So far as this argument of mine with reference to Coimbatore Jail was concerned, I was referring to it because it is not one which comes under commercial audit but should come under that category."

* The hon. the PRESIDENT :—" That is much more the reason why he should give up referring to it."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I was simply referring that no accounts audit was necessary in any case. My point is that the accounts of all concerns have to be audited by the auditors, appointed by the Central Government. So far as this is concerned, what I was developing was that Government in this case were making a distinction between commercial audit and ordinary audit and were paying Rs. 10,000 by way of commercial auditing. That was the only point which I was referring to. The Government are starting new concerns and I am afraid if they follow this procedure of commercial auditing for every concern they will have to spend a very large sum of money. That was the only reason I was referring to jail concerns."

* The hon. the PRESIDENT :—" I am afraid the hon. Member is perfectly out of order again to refer to the question of jails."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I am only saying there is absolutely no necessity for appointing commercial auditors. If once they (the Government) develop this instinct of having commercial auditing for every

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business of theirs, they will have to spend very large sums of money. I am only saying that so long as Government auditors are full-timed officers and so long as they are appointed permanently the whole thing is a matter of wrong policy. It is certainly better to go in for non-official auditors who can be renewed year after year, or once in two or three years. Once an auditor is appointed as a permanent Government servant, he has no necessity to see whether he is working satisfactorily or not. In private concerns, the auditors are appointed every year to report on the audits to show whether the concerns work satisfactorily or not and whether the auditors certify about the good working of the concerns or not so that people may see whether it will be profitable for them to purchase shares in those concerns, and also as a sort of warning to the auditors themselves that if they did not satisfactorily audit they would be sent out the next year and somebody appointed in their stead. So there is absolutely no necessity for permanent auditors. As I have already said this Government should insist upon the Government of India paying for the whole audit without dividing the audit into commercial audit and ordinary audit. There is no principle in it and such a principle has been started on a very wrong basis and I am afraid if this Government does not sufficiently strongly protest against the policy, the Government of India would call what are now ordinary concerns as commercial concerns and ask this Government to pay a much larger sum for commercial audit.

" Only one more word I want to say so far as permanent audit is concerned. I say it is wrong in policy as to why a European should be appointed on a large pay to be a permanent auditor as it were for commercial concerns. If they are appointed annually there will be chance for Messrs. Fraser & Ross as well as for Indian auditors to show their capacity in auditing these concerns. Indian audit will be very cheap and very good. At this late hour of the day it cannot be said that there are not capable Indian auditors. That is one of the reasons why we object to having the present permanent auditors. It prevents Indian auditors from auditing Government accounts which come under the category of commercial accounts and if the present policy of the Government is given up, Indian auditors of merit will gain ample experience by having an opportunity of auditing the accounts of those concerns.

" To sum up the whole thing, I may say that the policy of the Government in respect of this matter is a very wrong policy. They have been wrong in dividing the audit into commercial audit and ordinary audit and also in paying to the Central Government a portion of their expenditure in auditing. The present policy of the Government has deprived non-official gentlemen both European and Indian especially the Indians of the chance of auditing commercial accounts and of having the high prestige of having audited commercial accounts of Government. I therefore strongly support the motion."

* Mr. C. Gopala Menon :—" This motion is for the deletion of Rs. 10,000 allotted for commercial audit. The question is simple, viz., whether you want these commercial concerns of Government audited by professional auditors or by the departmental auditors. Hon. Members of this House will remember when in the earlier years the question of pioneering of industries was started these accounts were audited by departmental auditors and I hope objection was then raised in this House that the audited accounts of these concerns did not show the correct and true state of their affairs. In other words they

did not show what the profit or loss accrued in each year was and after interpellations being put on the floor of the House, it was decided that other professinal auditors should be engaged in order to put the accounts of these concerns in a commercial form and Messrs. Fraser & Ross were specially engaged. But I do say that these concerns were started as pioneering concerns so that the Government might work them for a certain time and if they worked satisfactorily the people might step in and purchase the concerns themselves. The idea in appointing auditors was that if these concerns did not show a correct position of their affairs then people would not go in for shares in those concerns. That was the object with which commercial audit was introduced in the earlier years. As far as the Government is concerned they have got the right only to set up the accounts and the auditing will have to be done by outside agency. In private concerns and all joint-stock concerns auditing is done by outside auditors, such as chartered accountants.

" Arguments were adduced why this auditing should not be done by Government auditors, and I have shown the reasons as to why it should be done by professional auditors, whether Indian or European.

" Another question is why the audit was conducted by the Central Government.

" This question was discussed on the floor of this House last year at the time of the budget discussion and the hon. the Finance Member pointed out that he was helpless in the matter. He said that commercial auditing was a central subject and the auditors appointed by the Central Government had to audit the accounts. Therefore there is no getting back the position that this commercial audit has to be done by local auditors as long as the Central Government have got their auditors here and they have got control over the commercial audit. The accounts have to be audited by the agency set up by the Central Government. As in other matters, we have to pay remuneration to the auditors of the Central Government. 2-45 p.m.

" I need not refer to the question whether each of these concerns is working at a profit or loss, because the auditors are only entitled to check the vouchers for the expenses incurred and they will not be in a position to say whether those expenses are real expenses or not. As long as there are certified vouchers, they have to pass the accounts, because they are not experts in buying and selling. They cannot say whether a thing that can be purchased for 3½ annas was purchased at 4 annas. They have only to see whether there is a voucher for 4 annas. (A voice :—Very dangerous.) Of course it is very dangerous. There is no use of going into this question. The heads of departments who are responsible for running these concerns will have to look into the question whether they are yielding any profit or not. It is their duty to say whether the concern is running profitably or not. Therefore all I say is that, unless this commercial audit is introduced, it will not be possible for the public to ascertain the true and correct position of each concern if they have a mind to purchase these concerns. I therefore oppose this cut motion."

* Mr. C. E. Wood :—" Mr. President, in opposing this resolution I do so because I think such action would be entirely against the object which hon. Members in this House who have spoken seem to wish to achieve.

[Mr. C. E. Wood] [18th March 1929

"My hon. Friend, Mr. Gopala Menon, has said all I had wished to say and probably in much clearer form than I would have expressed it.

"I thought at one moment that I could join issue with Mr. Venkataramana Ayyangar, but I am not even now quite clear what his speech was intended to convey. It seemed more involved than usual, but I gather he is out for protection of private enterprise against Government interference in Industries. If that is so, he appears to be acting contrary to his own interests in opposing the grant.

"The House must surely remember that the appointment of commercial auditors was the outcome of an Industrial Accounts Committee which sat in 1919 or 1920 and made recommendations whereby the accounts of the Government commercial concerns were placed upon a commercial basis by the employment of commercial accountants. I thought Mr. Venkataramana Ayyangar was on that Committee, but it certainly included some of his party, amongst whom was Mr. T. A. Ramalingam Chetti of Coimbatore.

"The hon. the Finance Member should be heartily congratulated on the clarity of the commercial accounts as shown in his budget. Any member of this House is now in a position to say exactly how these Government commercial concerns are progressing and to criticise them. Before, all was merged in the Government general expenditure and no one could say what was happening.

"If the feeling is that the auditors of these accounts should be independent Indians, unconnected with Government, I appreciate the sentiment and have no objection whatever to this being arranged. But it is very necessary that such auditors should go through what is recognized by the profession as the full training for such work, a training which is calculated not only to give the technical ability necessary but to enable those who qualify to imbibe also the traditions of the profession."

* Mr. J. A. SALDANHA :—"Mr. President, Sir, I only want to put a query to the hon. the Finance Member; he may refer the matter to the hon. the Law Member because he gave a negative reply the other day to the question put in connexion with the accounts of many of the forest exploitation schemes. My point is this; there are two departments, the Forest Exploitation department and the Utilization department. Now we are not aware how a piece of timber passes from the department. The tree is cut, timber is brought to the depot, and from the depot it goes in the ordinary course to private merchants, or to the market. For the purpose of sawing and other purposes, timber is transferred from the Exploitation department to the Utilization department. I want to know, Sir, how adjustments are made in the books. What is the price fixed on the timber, per cubic foot? I was told by several persons that the price entered in the books for a cubic foot of timber transferred from the Sawing department to the Utilization department was far less than the market value. I am not in possession of exact figures. I will take that a cubic foot of teak sells at the depot at Rs. 1-8-0. When timber is transferred to the Utilization department, it is valued much less; it is 10 annas or Re. 1 per cubic foot. When timber is sold after going through the Sawing department, the profits are much higher; because the difference between Re. 1 and Rs. 2-8-0 per cubic foot for which it is sold appears to be much larger than otherwise,

if the market price had been entered when it was sent to the utilization department. As a whole, there is distinct loss in the Forest department. I want to make sure that in these several transfers and transformations the correct market price of a block of wood is entered or an imaginary low figure is fixed as the price when it is transferred from one department to another, so that, taken as a whole, there is loss. I tried to scrutinize the accounts. I have not much idea of finance and auditing. I could not make out how the accounts were adjusted. I wish to have light on the subject, as I have heard serious charges in the matter. I hope the hon. the Law Member will look into this matter. When these charges are repeated, it is better to have a correct method of rendering accounts."

* Mr. G. Harisarvottama Rao:—"Mr. President, Sir, I should not have intervened in this debate except for the fact that I want to oppose the principle that is making the finance of this Government complex. I am afraid, Sir, that this Government has yielded very badly to the temptations set before it by the Imperial Government. It is clear that facts show that there is no need for these specialized commercial accountants. The Government have a department of their own and it is competent enough to do the work ; all the other accounts are being audited otherwise. The commercial accountants are not the people that audit the accounts of the Government. The Government have got their own machinery to audit the accounts. This department under discussion did not exist as a matter of fact some years ago. These are all admitted facts. In spite of these admitted facts, what has really happened is this : the Government have agreed to the proposal that there should be special commercial accountants to audit the commercial undertakings of the Government. As a matter of fact, every commercial undertaking must have its own accounts and there must be accountants to maintain the accounts of that commercial undertaking. These accountants prepare the accounts and it is open to the Government to say that these accounts are well and properly maintained in the same manner in which the accounts of other departments are properly and well maintained. Having a machinery already on hand, it is a piece of redundancy that the Government should go about and establish another special department to look after the commercial undertakings of the Government. I do not claim to be an expert on commercial undertakings or finance. But I do claim this: that from the common sense point of view this does not seem to be a reasonable expense that the Government should undertake. It appears to me, and I have very grave suspicion that it is, mere yielding up of the Local Government's interests to those of the Imperial Government. They have their own commercial service. They employ their accountants and the Local Government admit the necessity of auditing their own commercial undertakings by commercial accountants and thereby undertake to contribute a share of the expenses which the Imperial Government have to bear in this behalf.

"That appears to me to be the state of affairs. The principle involved 3 p.m. appears to me to be very important. I mean the principle of making matters more and more complex by entering into arrangements with the Imperial Government in more and more matters and yielding at every stage to the Imperial Government in regard to contributions. I know the hon. the Finance Member fought for the remission of the provincial contributions and I should have very much liked if he were very careful to fight for smaller

[Mr. G. Harisarvottama Rao] [18th March 1929

details of such imposts. I am only surprised that he did not fight for this. I hope he will recognize that it involves a principle and that he will also recognize that if he allows a breach in one place breaches may be allowed elsewhere also and there may be a flood of money getting out of the Provincial Government treasury for purpose other than absolutely legitimate."

* The hon. Mr. T. E. MOIR :—" Mr. President. . . "

* The hon. the PRESIDENT :—" I think the hon. Member has already made his reply."

* The hon. Mr. T. E. MOIR :—" I understood that I would have a right of reply at the end."

* The hon. the PRESIDENT :—" The practice regarding cut motions is that they are treated as amendments to the demand and any Member of Government has got a right to speak only once. I think the hon. Member has already exhausted his reply."

* Mr. V. I. MUNISWAMI PILLAI :—" Mr. President, Sir, I have listened carefully to the various arguments that have been advanced by the Opposition for the omission of Rs. 10,000 for commercial accountants. Sir, in the first place, they discussed about the deletion of the several commercial pursuits that are being carried on by Government. After all, I think the object of the Government in encouraging these commercial pursuits is to encourage a healthy competition so far as the products produced by the concerns are taken into consideration. So far as the Kerala Soap Factory is concerned, I think every one here will admit that it has been a concern intended for the benefit of the public. Coming to the Accountants and Audit question, I think, if this amount is deleted, it will mean our digging a very big grave for these commercial pursuits. The accountants and auditors in these commercial concerns play a very important part to make the concerns sound. Another reason advanced was that the departmental people should undertake audit. Speaking from a personal knowledge, I think an independent concern of auditors will be to the advantage of the commercial concerns. I hold no brief for Messrs. Fraser and Ross or for any European firm of auditors, but I may say that, so far as this Presidency is concerned, it was Messrs. Fraser and Ross that gave an impetus to many of our young men to take up audit and to produce many diplomates in accountancy. By keeping these accounts on a commercial basis separately, we can know at any time the results of each of these concerns. Under these circumstances, I am against the deletion of Rs. 10,000 for commercial accountants."

* Mr. SAMI VENKATACHALAM CHETTI :—" May I ask for some information with regard to these points? I should like to know, Mr. President, whether there has been constituted a separate section called the Commercial Audit section to audit the accounts of the commercial concerns of the Government or whether these accountants are intended mainly to specify and make out forms for keeping commercial accounts?"

* The hon. Mr. T. E. MOIR :—" I may, if permitted, reply with reference to that question that audit is distinct from accounts. Audit, as I spoke some time ago, is a function of the Central Government and the Central Government pay for audit and also appoint auditors. With these

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appointments, the Local Government have nothing to do. But the Local Government pay for accounts and in this the Commercial Accounts section of the Budget shows the results of the two functions. In the first place, you have the accounts of each of our commercial undertakings exhibited and at the end of each of them hon. Members will see that there is the certificate of the Audit officer that he has audited the accounts. The Government of India are under no compulsion to set up or maintain accountants although they are responsible for conducting the audit of such accounts. Therefore, we have had to pay and will have to pay for the setting up of accounts of this kind and also for all work in connexion with them. If any future concerns are to be brought under commercial accounts, we shall have to pay the Government of India, Audit Department, for the work they do in connexion with the setting up of accounts—as, for example, will be the case with reference to the Coimbatore Jail also—for training accountants who will be put in charge of accounts wherever such accounts are introduced and also for dealing with all such references or information or advice as the Local Government may require with reference to the accounts. I think, Sir, that is the point on which the hon. Member wishes to have information."

*Mr. Sami Venkatachalam Chetti :—" Sir, that is no doubt the point. Another doubt has arisen on the statement made by the hon. Member. I should like to pursue that question by asking whether it is a recurring expenditure or only for one year. (Mr. C. V. Venkataramana Ayyangar: 'Year after year.)' In that case, I consider that there is no need for a recurring expenditure of that sort. If separate sets of accounts are necessary—and I think they are necessary for commercial concerns—when once Government frame forms and designs in the manner in which these accounts should be kept, their duty must cease. As for the work of filling up of these forms, it is the duty of the accountants already in the employ of Government just as for other departments as well. Where does the question of continuing their employment come in so long as once they set up certain forms of accounts which these commercial concerns ought to maintain ? "

The motion was put to the House and declared lost.

A poll was demanded and the House divided thus :—

Ayes.

1. Mr. P. C. Venkatapati Raju.
2. ,, K. Koti Reddi.
3. ,, R. Srinivasa Ayyangar.
4. ,, S. Satyamurti.
5. ,, Sami Venkatachalam Chetti.
6. ,, C. V. Venkataramana Ayyangar.
7. ,, J. A. Saldanha.
8. ,, G. Harisarvottama Rao.
9. Abdul Hameed Khan Sahib Bahadur.
10. Mr. L. K. Tulasiram.
11. ,, K. V. R. Swami.
12. ,, D. Narayana Raju.
13. Dr. B. S. Mallayya.
14. Mr. K. R. Karant.
15. ,, K. Madhavan Nayar.
16. ,, P. Anjaneyulu.
17. ,, C. Obi Reddi.
18. Mr. A. Parasurama Rao.
19. ,, C. Ramasomayajulu.
20. ,, T. Adinarayana Chettiyar.
21. ,, P. Bhaktavatsalu Nayudu.
22. ,, M. Narayana Rao.
23. ,, A. Kaleswara Rao.
24. K. Uppi Sahib Bahadur.
25. Mr. C. N. Muthuranga Mudaliyar.
26. ,, C. Venkatarangam Nayudu.
27. ,, K. S. Sivasubrahmanya Ayyar.
28. ,, A. Ranganatha Mudaliyar.
29. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
30. Mr. Ramanath Goenka.
31. ,, C. R. Parthasarathi Ayyangar.
32. ,, R. Nagan Gowda.

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Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, ,, S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Diwan Bahadur P. Kesava Pillai.
9. Mr. Alladi Krishnaswami Ayyar.
10. ,, Hilton Brown.
11. ,, H. A. Watson.
12. ,, C. A. Souter.
13. ,, S. H. Slater.
14. ,, A. McG. C. Tampoe.
15. ,, V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. Syed Tajudin Sahib Bahadur.
18. Mr. C. D. Appavu Chettiyar.
19. ,, H. B. Ari Gowder.
20. ,, A B. Shetty.
21. ,, J. Beemayya.
22. ,, R. Foulkes.
23 ,, P. J. Gnanavaram Pillai.
24. Mahmud Schamnad Sahib Bahadur.
25. Mr. Muppil Nayar of Kavalappara.
26. ,, J. Kuppuswami.
27. Subadar-Major S. A. Nanjappah Bahadur.
28. Rao Bahadur O. M. Narayanan Nambudripad.
29. Mr. T. M. Narayanaswami Pillai.
30. ,, N. Siva Raj.
31. Rao Sahib L. C. Guruswami.
32. Mr. V. I. Muniswami Pillai.
33. ,, W. P. A. Soundara Pandia Nadar.
34. ,, S. Subrahmanya Moopanar.
35. ,, Daniel Thomas.
36. Rao Sahib R. Srinivasan.
37. ,, S. N. Dorai Raja.
38. Mr. S. Arpudaswami Udayar.
39. Zamindar of Kallikota.
40 Mr. U. Ramaswami Ayyar.
41. ,, G. R. Premayya.
42. Swami A. S. Sahajanandam.
43. Mr. V. Ramjee Rao.
44. Zamindar of Gollapalli.
45. Mr. C. Gopal Menon.
46. ,, B. Ramachandra Reddi.
47. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
48. Rao Bahadur Sir A. P. Patro.
49. Mr. P. T. Rajan.
50. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
51. Khan Sahib T. M. Moidoo Sahib Bahadur.
52. Rao Bahadur K. Sitarama Reddiyar.
53 Mr. K. Sarabha Reddi.
54. Kumararaja of Venkatagiri.

Ayes 32. Noes 54.

The motion was lost.

3-15 p.m. * Mr. P. BHAKTAVATSULU NAYUDU :—" Sir, I beg to move—

'*to reduce the allotment of Rs. 52,200 for the Madras Record Office by Rs. 100*'

to discuss the unsatisfactory nature of the working of this department. Few words are needed from me to explain to this House the most unsatisfactory work of the Record Office, for it has become a by-word in the City of Madras. Many interpellations have been put in this Council and the usual vague and evasive answers were given by the departments. As regards the post of Curator, now that the work is finished, where is the necessity for such a costly appointment? He has no work except initialling and passing the proofs of records. Further, the Curator is behaving most high-handedly in the matter of making appointments and fixing the salary of clerks. Out of the dozen or so of the posts in that office, nine or ten of them are filled by members of one particular community. Though the communal Government Order is passed, he has not thought fit to look into this matter, and the Curator is having his way and he has appointed acting clerks for a period of six or seven months on a salary of Rs. 65, contrary to the orders and rules of Government service. And what is more, the Curator is using the peons for domestic work. (Laughter.) Acting clerks are paid Rs. 65 by the Curator and his word seems to be law. All the reference work is done under the direction and control of the senior assistant and besides that there is no other work for the senior assistant. Though old records have been renewed, they are all huddled together in one corner and

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left to decay. No progress is shown in the publication of old documents after Mr. Dodwell. All these shortcomings are due to the high-handedness of the present Curator, for whose existence there is no necessity: for his work may be looked after by one editor. So, I think this department should be carefully looked into; and therefore I have great pleasure in commending this cut motion to the acceptance of this House."

Mr. K. R. Karant :—" I beg to second it."

* The hon. Mr. T. E. Moir :—" Sir, I should be very glad to reply the hon. Member; but as there was much conversation when he spoke, I could not hear him at all clearly. I think one of his complaints was that the senior assistant on Rs. 200—10—250 is highly paid or that he had not enough work to do. I am not sure whether I heard him aright; but if so, I can say that the difficulty in the Record Office is really due to the inadequacy of the staff and that a very important part of the work remains still in arrears. With regard to the inadequacy of the staff, I have to say that there is only a small staff available but that with the additional provision which has been asked for in this year I hope it will be possible in course of time to clear off the arrears; and that the old records which run the risk of disintegrating will be renovated and that gradually matters will be put on a better footing. If his view is that the office is overstaffed or that there is extravagance in having a senior assistant on that modest scale of pay, I am afraid I must dissent from the hon. Member."

Mr. Abdul Hameed Khan :—" Sir, with regard to this cut motion, I wish to say one thing. The only difficulty with the Record Office is that they seldom realize that they have to work all the hours. Further I wish to refer to this, namely, that there used to be a Persian Translator in the Record Office. I do wonder why when the last man that filled that post was sent away a new man was not brought in. I believe a good deal of work was done by way of translating Persian records. I understand that even though the Curator sent a requisition to the Government, especially to the Finance Department, asking for the sanction of the post of Persian Translator, Government turned it down, perhaps for the simple reason that such an officer has no place in the office. But as a matter of fact as a great deal of work has to be done by translating Persian records, I hope Government will do well to restore the post of Persian Translator."

* The hon. the President :—" I take it the House is ready for a vote.

" The question is ' to reduce the allotment of Rs. 52,200 for the Madras Record Office by Rs. 100 '."

The motion was put to vote and lost.

* Mr. P. C. Venkatapati Raju :—" Mr. President, Sir, I move—

' *to reduce the allotment of Rs.* 3,43,000 *for the Local Fund Audit establishments by Rs.* 100.' This is to discuss the unsatisfactory way in which the audit is carried by the department.

" I would not have proceeded with this cut motion on a comparatively minor department but for the fact that this department is becoming a menace to the free working of the local self-government institutions. This Audit department instead of being a help and guide to the various local self-government institutions has developed into a sort of harassing body. You will realize the nature of the harassment when you bear in mind the fact that

according to the latest report of the Local Fund Audit Administration Report out of four crores of money that was spent by these local bodies, 70 lakhs were put down under objection. This cannot be due to the fact that the institutions did not take care to scrutinize what objections have been raised by this department in the previous year; nor can it be due to any neglect of duty on the part of these institutions to reduce the number of objections, but it is due to the fact that frivolous and vexatious objections are raised, that have already been drawn attention to in the previous year. A perusal of the objections statement of any year will bear out this remark. The objections, though answered in the previous year, are again raised this year. Just as in the Excise department promotions depend on the increase of revenue the officials bring about, so too here it seems the efficiency of the staff is gauged by the number of objections they make out, and perhaps promotion also depends on this. When one considers the fact that these bills are checked by Government accountants in the various offices, can it be said and believed for a moment that as much as one-fourth of the expenditure is illegally incurred or unnecessarily expended? Sir, where the number of objections is few, these auditors of Government are taken to task, and thus it has become a practice to gauge efficiency by the number of objections raised year after year.

3-30 p.m. "Now, Sir, not satisfied with these pin-pricks of these audit objections—really they are pin-pricks because they would not stand any scrutiny and they could have been answered very easily—instead of being satisfied with these pin-pricks, the Government have recently armed them with a very potent instrument, the surcharge rules. These rules are being interpreted in a manner in which it was never intended that they should be used. These auditors take it into their heads not only to scrutinize the accounts but also to control the administration. And such of the local bodies as show a sort of independence are made the greater victims. If you scrutinize even these surcharge certificates, you will find the Government waiving much of the amount claimed by these expert auditors. It is a sort of instrument to coerce these institutions that these surcharge rules are being utilized at times. Of course, there are remedies provided to get rid of these surcharge certificates. But is it just, is it right that persons who have undertaken to work honorarily should be subjected to the unnecessary trouble of going to court and carrying on appeals just to get rid of an unjust certificate of surcharge? I can understand that in cases where there is mala fides, where really there is misappropriation, the use of these extraordinary rules of surcharge might be justified. But as they have been worked now in this Presidency, they are really an instrument in the hands of these people to coerce such of those institutions as do not pander to their wishes. And if such things were to continue, it would be very difficult to find decent honest men to get into these institutions. It is after all honest and decent men that will be troubled. Persons that really misappropriate, persons that use their official position to benefit themselves are somehow or other let off. And unless the method of auditing is radically changed and the real intentions and the import of the surcharge rules explained to these auditors themselves, this department will really be a menace to the free working of these local self-governing institutions."

Mr. K. V. R. Swami:—"Mr. President, I endorse every word that has been said by my Leader. I have got some experience in this matter. It is no doubt that there should be an audit of public accounts, and it is also very good

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that audit objections should be taken. It is also necessary that these auditors should visit these offices from time to time and make notes of all the defaults or shortcomings that may be found in these accounts. That is a very necessary function and that an outside agency should come and visit these offices and look into these accounts is really very desirable. But there is a section in these local fund account rules to the effect that they can surcharge wherever there is some kind of default. Under cover of that, these auditors are making it a point in recent years to book up every item for which there may be a defective voucher. For instance, suppose a money order is sent and a receipt is received and furnished as a voucher. They say that it is not a proper receipt and that there should be a stamped receipt. For that of course they may ask the office to get a proper voucher. Sometimes if the concerned person died or had gone to some unknown place or if he could not be found for a long time, in such cases the amounts may be waived. There is no demand for that money. That money is due and there is a postal receipt for it. With all that they say that this amount is not properly paid and so they would surcharge. There are very many surcharges to every honorary president of a local board or chairman of a municipality, and in my own case I had to be surcharged for several items. I had to go to court thrice and all the three times I succeeded. (Hear, hear.) No costs were awarded to me; the court said it is a small matter and so I need not be paid any costs. But the officers who surcharged me had nothing to lose. They were defended by the Government. They engaged the Government vakil and paid him from Government money. But in surcharging in matters like that where there was no case made out at all, they do not run any risk at all. This ought not to be made an instrument of oppression and undesirable interference, If there is any misappropriation of moneys or any misapplication or anything of that sort where the officer in charge did not care to look into the matter properly, there may be a surcharge and there may be an explanation and all that sort of thing. If we go at that rate, the other day we have seen in the Government accounts so many items objected to by the Accountant-General. They said that they would take proper steps and so on. These surcharges are made not for not discharging duties properly or for not producing a proper voucher or for spending moneys beyond the sanctioned limit. Even in such cases, in regard to the Public Accounts Committee report, they say that it is an honest mistake. They will come before the Council for such and such an amount due to this mistake, and the thing is done. But when there is no misappropriation and there is nothing very grave, we ought to condone these mistakes, and should not apply the instrument of surcharge to each and everything. After the reforms they thought that they had no hold upon these local bodies except when they make these nominations. They have nothing to do with the local bodies except appointing these audit officers, and they go on surcharging these local board presidents and others. There is also a rule that the person surcharged should go to the court within a week, or apply to the Government and get their sanction for this expenditure. Instead of going to court and spending money and all that, they approach the hon. the Minister with a request and prayer and the hon. the Minister may be pleased after six months or one year's consideration after all to condone it. In these surcharge cases, it is generally found that the man has not pocketed even a pie; and this man has been doing honorary work without receiving a pie, and probably he would have incurred a loss of Rs. 500 or Rs. 1,000 a month as in the case of the Madura

municipality. All that he is doing, and it is a work perhaps equal in honour to that of the Minister. But if there is a slight irregularity, the auditor comes with a surcharge certificate and asks him either to prove his case in a court of law or approach the Government on bended knees and get the certificate cancelled. For these reasons I support the motion."

* The hon. the PRESIDENT :—"Will the hon. Member Mr. Saldanha who gave notice of a similar motion further down in the agenda, speak on this motion ? "

* Mr. J. A. SALDANHA :—"I will go on in the same strain, Sir. I have in my hand the annual report of the working of the Local Fund Audit Department for 1927-28. That is the latest report and it gives us some inkling into the various activities of the Local Fund Audit Department. It has been blamed in certain instances for wielding the powers wrongly. On the other hand, we have to bear in mind that the volume of public accounts of the local bodies is indeed vast. Cases do occur of moneys not being properly accounted for, irregularities which might have been committed deliberately, or more often unconsciously or due to carelessness. To some extent I think we must be very thankful to this audit because many of us are members of local boards or municipalities and we know we have to depend solely upon the subordinates to do a lot of administrative and executive work, and how some money might have been spent in some irregular manner is a matter which can be found out only by the Audit Department. Unless we have got our own audit system which would be self-adjusting and self-sufficient, all these irregularities will be continuing. I think that such a system of auditing is quite desirable. The co-operative societies have got their auditors, and I do not see any reason why we should not have an auditor for each of the municipalities and other local bodies. I may point out, Sir, that there is one body about which I want to deal—I cannot call it a body. I think local fund audit deals with funds in which certain bodies have authority. But I find here a certain fund for which an individual officer is the authority as constituted by statute. I refer to our Port funds. These Port funds are audited by the Examiner of Local Fund Accounts, because they are considered to be local funds. But as a matter of fact, they are not local funds at all. This is what I contend and have contended. The landing and shipping fees are collected by the Port officer and by the Port officer alone statutorily under the Madras Outports Landing and Shipping Fees Act. That Act authorizes the Port officer to do certain acts, that is, to collect shipping dues as fixed by Government and so on. There is for every port a committee appointed which is called the Landing and Shipping Fees Committee. That Committee is not
3-45 p.m. appointed under any statute. It is a non-authorized body. It is a body appointed by the Government on the recommendation of the Collector. Many in this Council do not know how this fund is managed. It is managed to a great extent according to the advice of a Port officer after nominally consulting the Committee. The members of that body should be selected by the merchants of the place. I brought this to the notice of Government on many occasions and brought a Bill to amend the abovementioned Act, in order to place the Committee on a democratic basis. But nothing has been done. I think this body also should be placed on a popular basis. As to municipalities and local boards, I think it is well to draw attention to some of the very interesting things in this report. I do not

know how many hon. Members have read this report—one cries ' few '. I may therefore indulge in a review of some of the very interesting points—some of them are romantic also. To begin with official receivers. There are certain official receivers who have made excess payments in so many cases. There are some official receivers who have drawn commission in excess. I do not know what action has been taken against them.

" Then there are several municipalities which are remiss in the matter of education. They do not work in the spirit of the law. A number of things are mixed up with the result they do not know where they are. The educational tax is not properly levied. It is mixed up with so many things. The Audit Officer has great trouble in separating the accounts. Then there are long delays in replies. Many municipalities have delayed replying to the audit objections for 6, 7 and 8 months.

" Another thing is the verification of the stock in order to prevent loss of articles and fraud. The Account Code lays down that the verification of tools, and other things under the management of local bodies should be conducted annually. That is just what I have been wanting to do in most of the municipalities. One method was suggested to me which is called efficiency audit. The auditor must look into the stock books, and see that they correspond with the stores in stock.

" There are more interesting matters, but my friends on this side are somewhat impatient. After all, Local Self-Government is not such an easy thing, as is taken to be. I think it is somewhat easier to do work in this Council than in municipal council; because so much work falls on the shoulders of the municipal councillor. If this report is read carefully, you will find that Local Self-Government to be carried on properly and thoroughly requires some more of sacrifice and service. Surcharging is a very frequent phenomenon in municipalities. Some machinery must be devised to carry out a thorough check and prevent surcharges. To my mind these audit remarks serve very useful purpose. What I would press is this. Some means should be found for circulating the audit remarks—printed or typewritten copies of them—to all the members of the municipal council and local boards. As a matter of fact, I am told that these things are circulated along with a bundle of papers and we hardly have any time to read all these at once. What should be done is that these remarks of the auditor should be circulated separately."

* Rao Bahadur B. Muniswami Nayudu :—" Sir, it is really a difficult job to be the president of a local board. (Hear, hear.)"

* The hon. the President :—"I may point out that the demand will be put to vote at 4-5 p.m."

* Rao Bahadur B. Muniswami Nayudu :—" Sir, there was a time when all the bills of local boards were pre-audited in the treasury office and then the amounts paid, so that there was at least a guarantee that the amounts when paid were paid according to the rules. After the new system was introduced, each district is supplied with two accountants to maintain the accounts and the pre-audit has been taken away, with the result that when audit takes place irregularities are found and if the irregularities are not rectified, surcharge orders immediately issue. I was taken by surprise one morning on 1st of

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April or so when I received an order that I was surcharged. Before we have time to ascertain how the mistake has occurred—it takes some time—the surcharge order is issued. There are many cases in which they are enforced and the money is recovered. And the time given to us to make up our mind to appeal to the Government or to apply to a court is very short indeed. It is not my purpose to criticize the Government but to suggest to the consideration of the hon. Member some method by which this difficulty can be avoided. I only appeal to him to see if he could not see that our bills are pre-audited by the Inspector of Local Funds so that we may have a guarantee that these amounts may not be objected to later. I have had to consult the District Local Fund Inspectors on various occasions as to whether a certain thing could be done or could not be done; no doubt they were willing to give information now and then, but they were unwilling to commit themselves on paper, because the departmental order is that they should not advise in advance. If we could have such advice given on paper it would help us to know when objections would be taken by the Audit department. And when we ask why a certain objection is taken, the department sometimes quotes a Government Order which was not at all communicated to local bodies with the result that only after a copy of the Government Order is obtained we have to set our House in order. These are the difficulties under which we have to work. There is a District Inspector of Local Funds who goes from place to place auditing our accounts after the expenses are incurred. I only go a step forward and ask that this Inspector may be instructed to help us by pre-auditing the bills we send them, or they be authorized to give us advice whenever we find it necessary. In the matter of financial restrictions and rules, they are so many that even district boards, with their large establishment find it impossible to keep in touch with them; much more so, it is difficult with regard to the taluk or union board. It will not be found impossible for the Government, if only they have the mind to help the non-official presidents of local boards, to devise some kind of pre-audit system, so that there may not be any necessity for issuing surcharge orders. After all, Government will certainly sympathize with the conditions of the local boards, that they are there to serve the people, and it is not always that they have competent men or highly-paid men as managers. With regard to other departments, they have got a pre-audit. I do not know why we should not have the same method here also. For these reasons I request the hon. the Finance Member to see his way to accept this suggestion."

4 p.m. * The hon. Mr. T. E. Moir :—" Mr. President, I do not desire to say very much on this subject. But I would refer to the figures given by the Leader of the Opposition in which he drew attention to the fact that out of an expenditure of 4 crores 80 lakhs were held under objection in a year, and requested to know as to whether it could be true that that amount which represented one-fifth of the expenditure had been either illegally or unnecessarily incurred. I think, that he forgot that audit is concerned indeed with the illegality but not with the necessity or otherwise of expenditure and that it is concerned really with the question whether expenditure has been incurred in accordance with the rules. It has no private opinion as to whether the objects of expenditure are good or bad. A great part of the objections in the Audit department are due not to illegality but to want of production of the necessary sanction or vouchers. Where sanction is produced or voucher shown, the objection is at once removed and no further steps are taken.

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" Then reference was made to the Surcharge Rules. In respect of surcharge the Audit Officer is working under a statutory responsibility which is laid down in the Acts governing Local Bodies. He has no option in the matter. The Acts and the Rules say that he shall do so and if he finds an item of expenditure which, in his opinion, is contrary to law, then he has no option but to surcharge and it is for the person thus surcharged either to appeal to Government or to the Court according to his discretion.

" To one point raised by my hon. Friend, Mr. Muniswami Nayudu, I might refer. He suggested that the Local Bodies might have the privilege of receiving advice from the Audit Officers on points where they were in doubt. I may say that I can see no objection to that privilege being accorded and doubt if it requires any rule to that effect. They are perfectly at liberty to ask the advice of Audit Officers. But in order to put that point beyond question, I shall see that instructions are issued that the Local Fund Audit Department shall deal with and answer any legitimate request of the kind which may be put to them.

" I am afraid it will not be possible to accept the suggestion that all local fund expenditure should be pre-audited. It would mean much trouble and additional work and it will not be possible to keep the staff within the modest limits which I have sought to retain.

" I entirely agree with the hon. Member from South Kanara that the work of the presidents of local bodies and chairmen of municipalities is not easy. It does require constant study of the Rules and Regulations and Acts and Account Manuals with which they have to deal. Many of them, I am glad to think, do carry out their responsibilities in that respect and with great success, but I am prepared to say that in 99 out of a 100 where the results are not satisfactory, it is largely because the chairmen or the presidents of the time have overlooked the fact that their responsibilities in these matters are as great as the honour accorded by their appointment."

The hon. the PRESIDENT :—" The time has expired and I will now put the cut motion and the grant to the vote of the House.

" The question is 'to reduce the allotment of Rs. 3,43,000 for Local Fund Audi t by Rs. 10'."

The motion was put to the House and declared lost.

A poll was demanded and the House divided with the following result :—

Ayes.

1. Diwan Bahadur P. Kesava Pillai.
2. Mr. P. C. Venkatapati Raju.
3. ,, K. Koti Reddi.
4. ,, R. Srinivasa Ayyangar.
5. ,, Sami Venkatachalam Chetti.
6. ,, S. Satyamurti.
7. ,, C. V. Venkataramana Ayyangar.
8. ,, J. A. Saldanha.
9. ,, G. Harisarvottama Rao.
10. ,, C. S. Govindaraja Mudaliyar.
11. ,, Abdul Hameed Khan.
12. ,, L. K. Tulasiram.
13. ,, K. V. R. Swami.
14. ,, D. Narayana Raju.
15. Dr. B. S. Mallayya.
16. Mr. K. R. Karant.
17. Mr. K. Madhavan Nayar.
18. ,, P. Anjaneyulu.
19. ,, C. Obi Reddi.
20. ,, A. Parasurama Rao Pantulu.
21. ,, C. Ramasomayajulu.
22. ,, T. Adinarayana Chettiyar.
23. ,, P. Bhaktavatsulu Nayudu.
24. ,, A. Kaleswara Rao.
25. ,, K. Uppi Sahib.
26. ,, Narayana Rao, Mothay
27. ,, C. N. Muthuranga Mudaliyar.
28. ,, C. Venkatarangam Nayudu.
29. ,, K. S. Sivasubrahmanya Ayyar.
30. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
31. Mr. K. P. Raman Menon.

Ayes—cont.

32. Mr. C. R. Parthasarathi Ayyangar.
33. ,, R. Nagan Gowda.
34. ,, B. Ramachandra Reddi.
35. Rao Bahadur C. S. Ratnasabhapathi Mudaliyar.
36. Rao Bahadur Sir A. P. Patro.
37. Diwan Bahadur P. C. Ethirajulu Nayudu.
38. Mr. T. K. Chidambaranatha Mudaliyar.
39. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
40. Diwan Bahadur S. Kumaraswami Reddiyar.
41. Khan Sahib T. M. Moidoo Sahib Bahadur.
42. Rao Bahadur K. Sitarama Reddiyar.
43. ,, B. Muniswami Nayudu.
44. Mr. K. Sarabha Reddi.
45. The Zamindar of Mirzapuram.
46. The Kumara Raja of Venkatagiri.
47. Mr. A. V. Bhanoji Rao.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Dr. (Mrs.) S. Muthulakshmi Reddi.
9. Mr Hilton Brown.
10. ,, H. A. Watson.
11. ,, C. A. Souter.
12. ,, S. H. Slater.
13. ,, A. McG. C. Tampoe
14. ,, V. Ch. John.
15. ,, M. A. Manikkavelu Nayakar.
16. Syed Tajudin Sahib Bahadur.
17. Mr. A. B. Shetty.
18. ,, J. Bheemayya.
19. Mr. R. Foulkes.
20. ,, P. J. Gnanavaram Pillai.
21. ,, Mahmud Schamnad Sahib.
22. ,, Muppil Nayar of Kavalappara.
23. Subadar-Major S. A. Nanjappa Bahadur.
24. Mr. N. Siva Raj.
25. Rao Sahib L. C. Guruswami.
26. Mr. V. I. Muniswami Pillai.
27. ,, S. Subrahmanya Moopanar.
28. ,, S. Venkiah.
29. Rao Sahib R. Srinivasan.
30. Mr. C. E. Wood.
31. ,, F. E. James.
32. ,, R. J. C. Robertson.
33. ,, H. F. P. Hearson.
34. Mr. S. N. Dorai Raja.
35. Mr. S. Arpudaswami Udayar.
36. The Zamindar of Kallikota.
37. Swami A. S. Sahajanandam.

Neutral.

1. The Maharaja of Jeypore.
2. Mr. J. Kuppuswami.
3. ,, T. M. Narayanaswami Pillai.
4. ,, W. P. A. Soundara Pandia Nadar.
5. ,, Daniel Thomas.
6. Mr. S. V. Vanavudaya Goundar.
7. ,, G. Premayya.
8. ,, V. Ramjee Rao.
9. The Zamindar of Gollapalli.

Ayes 47. Noes 37. Neutral 9.

The motion was carried.

* The hon. the PRESIDENT :—" The question is that the Government be granted a sum not exceeding Rs. 8·20 lakhs minus Rs. 100 under Demand XII—General Administration—Miscellaneous."

The demand was put and carried and the grant made.

DEMAND XIII—GENERAL ADMINISTRATION—MINISTERS AND CIVIL SECRETARIATS—TRANSFERRED.

* The hon. Dr. P. SUBBARAYAN :—" Mr. President, I move on the recommendation of His Excellency the Governor

'*that the Government be granted a sum not exceeding Rs.* 4·36 *lakhs under General Administration—Ministers and Civil Secretariats*—Transferred.' "

* Mr. S. SATYAMURTI :—" Mr. President, Sir, I move

'*that the allotment of Rs.* 2,38,000 *for Ministers be reduced by Rs.* 100, to express want of confidence in the Ministry.'

" I do not know why the gentleman opposite (referring to Mr. N. Siva Raj) should shout and cry. He is a nominated Member and, as usual, his is not to reason why but to vote and die. But we have a higher duty to perform.

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We have got the electorates to answer. We have a sense of duty. We do not owe our seats to the grace of the Executive Council and the Ministers. We are elected Members and we have to discharge our high responsibilities and there is no use of nominated Members vying with one another in trying to shout me down. They will fail in their game and they will make my speech more forcible, so it is better they keep quiet.

"Why I say that this Ministry does not deserve to be in power is because

(1) it is no political party,

(2) it has not the support of the elected members in this House,

(3) it has not kept its promise made on the floor of this House,

(4) it has fortified itself or sought to fortify itself by wholly unconstitutional means,

(5) it has not a policy or programme of its own, and

(6) it has trampled under-foot the principles of joint responsibility among themselves and of Ministerial responsibility to this House.

"Now, Sir, I want to begin my speech by quoting the authority of one who is no longer with us to see that the members of at least his party will not overthrow it now that he is dead, and is no longer with us.

"Speaking on the 24th of August 1927, on the floor of this House, on the motion of No-confidence in the Ministry, he said,

'The acceptance of office by the present ministry which has no following worth the name in the Legislative Council or outside which has no policy of its own and their continuance in office after they were being defeated. . . . (Interruption—).'

"Here I may remind my nominated Friends that this was on the motion of No-confidence moved by my then Leader Mr. Sami Venkatachalam Chetti

'however, served as the last straw on the camel's back. The party (his party) felt that if such was possible under the present constitution, that constitution was no good. They argue that such acceptance of and continuance in office is the very negation of a responsible Government. They think that instead of that form of Government we may with advantage go back to the old form of Government. There are some among us who shall believe that diarchy can be worked under favourable conditions; but such conditions do not ordinarily obtain. At all events, my party feels that it cannot take up the responsibility of accepting office in the present conditions.'

"He wound up his speech with these words: 4-1

'We have no confidence in the present Ministry for the reasons that they do not have the support of the elected Members of the Council, that they were repeatedly defeated in the Council, and that their administration has not been satisfactory.' p.n

"Sir, I can prove every one of these facts up to this moment. They to-day do not command the support of the elected members although my hon. Friends below the gangway may give them the voting strength of their party from their seats in the opposition. I challenge them to deny the fact. They are still sitting in the opposition and they are not of the Ministerial party. Therefore I say that the present Ministry has no elected strength behind it. The Raja Sahib's speech has been repeated in this Council, that the administration of the Ministry has not been satisfactory as I shall presently show. Lest I may be accused of quoting the authority of a man who is no longer with us, let me quote the authority of a man who is still

living and whom we all wish to see here for long. The floor leader of the Justice party said :

'The successful working of the scheme depends upon the existence of three main conditions—

'(1) An elected majority for the Ministry.

"Do they now command a majority, may I ask? I pause for an answer.

'(2) Harmony between the two halves of Government.'

"That does not exist. The Reserved Half has absorbed them or rather, the Ministry has allowed itself to be absorbed by the Reserved Half.

'(3) A constitutional opposition in the House with a definite policy and programme to be able to form an alternative Ministry.'

"That does not exist. We are not anxious to form the Ministry and my friend's party does not want to form the Ministry, unless the Coimbatore resolutions have since been repudiated. Therefore the only party is the Independent Nationalist party of about 10 members. Is it a party which can form an alternative Ministry? Therefore none of the conditions which my hon. Friend predicted as conditions precedent to a successful working of the system exists to-day. I have the high authority of the late leader and the present leader of the Justice party in this Council for the position I take on this matter.

"Sir, my first charge against the Ministry is that it is no political party. The Chief Minister is a party by himself. He did not go to the elections as a member of any particular party. He won because he is a zamindar and his constituency of about 39 and odd members returned him as he is a fine fellow. (Laughter.) They cannot easily dismiss a man who is a relation or friend of the zamindar voters of the constituency and therefore he came in. He once belonged to the Justice party and then became an Independent Nationalist. What he is now, I do not know. (Laughter.) Perhaps he does not know himself. But there is one party that he has loyally served, when even the Justice party members were for boycotting them and his colleagues felt like boycotting them too. When all political parties in the country felt like boycotting the Simon Commission, the one man who was 'courageous', and stood by himself is my hon. Friend the Chief Minister. That is a matter on which I should like to congratulate him.

"I will now refer to my hon. Friend the Second Minister. My hon. Friend the Excise Minister is reported to have talked of dropping hot potatoes. But there is not one political party in this province, to which he has not belonged at some moment or another. He was once a member of the Justice party. Then he was a member of the United Nationalist party. Then he was a member of the Congress party. Then he was a member of the Congress Independent party. After that he was, I believe, and is still, a member of the Ministerialist party, although conquetting with the Justice party. That is the progress he has made. I do not therefore know what party he now represents.

"As regards my hon. Friend the Third Minister, I shall not deal with him. I forgive him. He does not know what he does. (Laughter.) (Mr. Madhavan Nayar: 'But he is a good fellow all the same.') Therefore I do not propose to waste my time on him. One fine morning he was offered a Minister's office. He could not recover from the surprise of his life, and accepted it; and I do not think he has yet recovered from that surprise. (Loud laughter.) I will leave him just there.

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" Therefore, my position is this, Mr. President, that these three estimable gentlemen do not represent any particular party either in this House or outside this House, except this that one of them at least has broken his election pledge. I do not want to indulge in mutual recrimination, but I do want to say that we ought not to encourage this sort of thing. He pledged himself to the electorate not to accept office and in violation of that pledge has accepted office. That, I think, is a proposition to which none of my Friends in the House will agree. If people feel like accepting office, let them go to the electorate, place the position before them and let them get a mandate and come here and accept office. My friend signed a pledge in black and white saying : 'I will not accept office if I am elected.' He has broken that pledge and he is there a Minister. I ask my friends whether in these days of the growth of democratic institutions in this country and of the growth of political responsibility, whether it is right that we should encourage such defections. (Some interruptions from the Ministerial benches). I am not going to be deflected from my course. I ask every hon. Gentleman in this House whether it is right that a gentleman who goes to the electorate and gives a solemn pledge in writing that he will pursue a particular course of political action, should be allowed to trample underfoot that pledge and get into office. Is it the last word in ministerial perfection ? It is a different thing with those who have not given any such pledge. They have freedom to accept office. As one interested in the growth of democracy and responsibility in our province, I do think that we ought not to encourage violation of election pledges. We are still in the infant stage of democracy.

" As for my hon. Friend the Third Minister, there has been a contradiction in the press as to whether he signed a pledge or not. I will not go into it. But then it is for him to judge whether he did not buy off opposition to him—I mean no offence by that phrase—by promising to stand as a Congress candidate whatever the conditions may have been.

" Now I will quote what our extremely eloquent friend—now the hon. the Law Member—said about this Ministry in August 1927 :

'These independent Ministers, before they came to this House, did not go to the country with any settled programme or any political principle. The members of this Independent party, I beg their pardon, are quite independent of one another. They are also independent of all programmes. Now what is it that keeps them together now as members of this Independent party, nobody knows.'

" Now I hope the hon. the Law Member knows. (Laughter.)

'What policy it is that combines all these gentlemen together as a party, we are not aware of.'

" Now I am sure my hon. Friend is aware of it.

'This is the constitutional position of our Ministers.'

" I am reserving his comment on the administration of local boards to a later stage.

" What is the political party in the country, Mr. President, to which this party belongs or represents in this House ? Sir, the Ministry has changed its complexion. It once had as two of its Members my hon. Friends Messrs. Ranganatha Mudaliyar and Arogyaswami Mudaliyar but now two other hon. Members have taken their places. Now, is it the same party or is it a different party ? If so, what was the original party and what is the present party ? May I ask the sole survivor of the late Ministry (loud laughter), what is the party he represents as Chief Minister or which he is alleged to

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lead? (Some interjection.) My hon. Friend who shouts may wait till the next elections. I told his predecessor—he was not here then—that we would meet at Phillippi and defeat them. We did so. Those who conquer have the right to talk of the next elections and those who were miserably defeated must have the modesty to wait till at least the next elections. (Laughter.)

" Sir, my second charge against this Ministry is this: that this Ministry has not the support of the elected Members of this House. (Some interruption). Sir, even in the first year when we were supposed to be neutral, as against this Ministry, this House carried three cut motions especially one on the excise question. Let me remind my hon. Friends below the gangway that we were only doing what we did for nine months, that we never walked into the same lobby with this Ministry, and that on the excise cut we voted and two other cuts, against the Ministry. We, the Congress party, carried these token cuts. The present policy of the Justice party is not what ours was. It is now voting with the Government."

* The hon. the PRESIDENT :—" I would request the hon. Member to confine his remarks to the present Ministry. If he goes on commenting upon a complex Ministry of the past and on questions regarding them, the debate will not be within proper limits."

* Mr. S. SATYAMURTI :—" I will bear what you say in my mind, Sir. (Hear, hear.) From the 'hear, hear,' their interest in avoiding any reference to it is evident."

" Sir, I was merely illustrating the point that this Ministry does not command the support of elected Members. So far as the Chief Minister is concerned at least, this Ministry continues the same as the late Ministry. I submit that if there is any meaning in the term 'the Chief Minister' which has been accepted as a convention in this House more than once, he is jointly responsible for all the acts of commission and omission of this Ministry and its predecessor. Therefore, without going into the details of the previous Ministry's doings with which I am not concerned at all, I will confine myself to this, viz., that on the 24th August 1927. . . ."

* The hon. the PRESIDENT :—" Order, order. I think the hon. Member will agree with me that although Dr. Subbarayan continues to be the Chief Minister, as far as the excise policy and development policy of the late Ministry are concerned, it may not be proper to refer to them in discussing a motion of this kind. Those two Ministers went out of office and new Ministers have taken their places. Therefore I think to conduct the debate on proper lines it is better to exclude their activities as Ministers from the scope of the discussion to-day."

* Mr. S. SATYAMURTI :—" Yes, Sir. My friend was sole Minister for Excise one day."

4-30 p.m. " On the 15th March 1928 after my friends accepted office, the excise cut was defeated with the help of only 20 elected Members as against 33 elected Members. If there is any meaning in having constituencies or electorates then some significance ought to be attached to the votes of the elected majority.

" Then, on the 6th of September 1928, on the motion for the adjournment of the businsss of the House moved by my hon. Friend Dr. Mallayya with regard to deaths of certain persons in the General Hospital, on account of the

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use of chloroform, we defeated the Ministry by 44 votes against 39. And, for the rest if my hon. Friends have escaped more defeats it is because they have followed the peaceful policy of not bringing up any controversial proposals. They do not come with any concrete proposals. They know that they have no majority. They simply manufacture votes with the help of the Government and that too only during budget time. I challenge my hon. Friends to say whether they have at any time come forward with any serious proposal of legislation of any controversial character. That is why they have managed to escape more defeats. Whenever they occasionally did come forward before the House and carried through a few proposals, I ask whether they carried them with the strength of the elected majority behind them. They are simply carrying on from hand to mouth; and even to-day with the help of not more than 20 elected Members, at a calculation of a maximum character, including the European Members who I may say, without offence to them, seem to be perpetual Ministerialists. For the present as against 20 elected Members behind them, 75 are against them or remain neutral or they vote as they choose.

"My contention therefore is that this Ministry does not command the support of the elected Members of this House. My point is made perfectly clear from a memorandum alleged to have been submitted to the Simon Commission by the Madras Government in which they say:—

'On the other hand far from the Ministers being dependent on an elective body, they could within limits remain in office irrespective of whether they command a majority of elected Members. The official block and the nominated Members almost inevitably constituted important supporting element, for the former could hardly do other than support proposals of the Government. They served while the latter ex hypothesi were men likely to support and to assist in working the reforms. More than once has a Madras Ministry depended on the support of these two elements. In other words, neither side of dyarchy was carried out logically; . . .'

"Thus we have Ministers not wholly dependent on an elective Council and Executive Councillors largely dependent on it.

"That is the memorandum of a responsible authority in Madras, the supreme authority in Madras, I mean the Madras Government. They know what they are writing about and they admit that the Ministry is denied the support of the elected strength of the House.

"My third charge against the Ministry is that it is not keeping its promises. I may confine myself to Dr. Subbarayan. Speaking on the 5th March 1927, just after he became the Minister, he laid down what he considered to be the programme of work which he intended to carry on during his regime. This is what he said:

'I mean to take on hand the amendment,' this was on 5th March 1927, 'of the Elementary Education Act and make it possible for us to have a more rapid expansion of elementary education than has hitherto been found possible.' He explained as to how Sir A. P. Patro was not successful in carrying out the programme of elementary education, how he was wrong and how he (Dr. Subbarayan) was going to carry out his policy. I ask 'Where is it?' Echo answers 'Where.' He said 'I hope that, whenever time comes, be it long or short for me to lay down my office, it will be possible for me to say that there has been real expansion.' Where is it?

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"In the matter of village roads, he held forth a great promise. Are the village roads improved? Let my hon. Friend, the President of the Chittoor District Board, answer.

"Then, Sir, with regard to the question of nominations, my hon. Friend agreed, unguardedly perhaps, and said 'I do feel as earnestly as my hon. Friends opposite that this question of nominations has not been dealt with as adequately as it ought to be and this question cannot be tackled in a day. We shall soon have an amendment of the Local Boards Act and I hope it will be possible to make it impossible for such patronages to be exercised.' I ask 'Where is the amendment of the Local Boards Act?' (Voices: 'Coming, still coming.')

"Then, Sir, he said that his party accepted prohibition as the goal. After referring to the resolution passed in the Non-Brahman Confederation at Madura presided over by Sir A. P. Patro, the hon. Dr. Subbarayan said: 'They solemnly passed a resolution that prohibition is their goal. If that is so, I would ask them in all earnestness what they did during the five years they were in office, during the five years he was in charge of the Excise department.' He went on to say: 'It is only by experiments that we can hope to reach that stage, it is only by experiments that the goal aimed at by all parties in this country can be reached.' That is the goal of prohibition he promised and, to-day, where are we?

"Then, Sir, he went on to promise to my hon. Friends from the Andhra districts with regard to finding funds for the Andhra University. He said 'I may tell my hon. Friends opposite that I am even now willing now that the provincial contribution has been remitted, to give them adequate provision, so that the Andhra University might become a centre of culture for the Andhras in the Andhradesa.' What has happened in the Andhra University Act, my hon. Friends from the Andhra districts can describe better than I. (Cries of 'Narayana') (Laughter.)

"Sir, then he said with regard to the Grant-in-Aid Code: 'I am sure they will realize as even my hon. Friend who was here before me realized that the future of secondary education in this country depends largely on aided schools and private management. And when such is the case, I am sure, Sir, hon. Members opposite will agree with me that we must have a revised Grant-in-Aid Code.' Where is the revised Grant-in-Aid Code?

"Then with regard to the District Municipalities Act, 'this again is one that has got to be amended and I hope hon. Members will soon have before them an amending Bill.' Where is it?

"Then, Sir, last but not least, regarding the amendment of the Hindu Religious Endowments Act, he said: 'My hon. Friend has under consideration the amendment of the Hindu Religious Endowments Act, and I hope that the Bill that will be introduced by him at the next meeting will be acceptable not only to this side of the House but also to the other.' Where is it?

"Therefore all his promises, without a single exception, have remained unfulfilled. Two and half years have passed and he has done nothing. And if he is allowed to remain in office, he will do nothing in any one of these directions. (Hear, hear.)

"Then, Sir, as regards the policy of prohibition, I only want to say a few words. As regards the new Minister, I will say a word presently. As regards

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my hon. Friend Dr. Subbarayan, I assert from my place with a full sense of responsibility that the statement which my hon. Friend the Excise Minister made accepting prohibition as a policy of this Government, which will be reached by definite and progressive stages, was accepted by my hon. Friend the Chief Minister and the statement was made after the hon. the Chief Minister had taken the draft to His Excellency the Governor for his approval, and secured it. (Voices: 'Can His Excellency the Governor be made a party to this debate?')

"Why not, under what Standing Order?"

* The hon. the PRESIDENT:—"On the analogy of the Parliament, the hon. Member will not be in order if he uses the name of His Excellency the Governor with the intention of influencing the vote of the House. I do not think the hon. Member has at all in his mind an idea to influence the vote of the House by bringing the name of His Excellency the Governor."

Mr. S. SATYAMURTI:—"Far from it. I am afraid I will lose some votes.

"My point is this; that, although the Chief Minister once accepted on the floor of this House that prohibition was the goal of their party and it should be reached by stages, he has now gone back upon that policy. I only want to say that even my hon. Friend the late Raja Sahib of Panagal or any first Minister for the matter of that has never laid down that prohibition is a Reserved subject or a Central subject and that this Government can do nothing. It has been reserved for a Doctor of Laws of the Oxford University to find out the new dictum that, while Excise is a Transferred subject, prohibition is a Central Reserved subject. Therefore it seems to be that on the question of prohibition policy my hon. Friend the Chief Minister has gone from one end of the pendulum to the other. As for my hon. Friend the Excise Minister, I am sorry I cannot find out what his policy is. In the few moments he spoke the other day, he was only discussing how to drop hot potatoes. He has not told us what his policy was or what his policy is. Undoubtedly from the stand he took upon this question, while on this side of the House, it looked as if he was for prohibition, immediately if possible, or at least in the near future. But now, it seems he has only a barren policy or at least an anti-prohibition policy. When the resolution on prohibition came before the House, my hon. Friend the Excise Minister voted twice in favour of prohibition within twenty years. The third Minister who rarely intervenes in these debates got up once and seconded my hon. Friend from Trichinopoly to have prohibition within twenty years. My hon. Friend from Trichinopoly, true to my estimate of him, admits that he seconded it because he came from Trichinopoly. (Laughter.)

"Sir, these two Ministers have committed themselves more than once by votes and by their speeches on the floor of this House to a policy of total prohibition of all alcoholic drinks within twenty years. May I ask if they still hold that opinion? If not, whether they have changed that opinion, and if so, why?

"On this question of prohibition the Justice party also stand committed to it as they have said through their leader the late Raja of Panagal. 4-45 p.m.

'We all know that a large amount has been remitted and the Finance Committee strongly represented by Swarajist element is ready to recommend the experiment. If the experiment cannot be tried when funds are available, it cannot be tried when funds are not available. I thought it was quite possible for the Committee to report the ways and means by which the

experiment might be tried in two districts. Moreover, Sir, the Minister is reported to have announced at a public meeting, that he would introduce prohibition in two districts. I think it would not be proper that the Government should go back on the announcement.'

" That is the position of the party.

" Now I ask my hon. Friend the Chief Minister, especially when he said the other day with a great deal of gusto that his then colleague had no policy of prohibition, and when, to-day he is not in a position to make any announcement whether he has understood the principle of joint responsibility of Ministers as laid down by the Joint Committee of Parliament in its report on these reforms? That Committee, Sir, laid down clearly in unambiguous words: 'The Committee are of opinion that in no province will there be need for less than two Ministers, while in some provinces more will be required. In these circumstances they think that it should be recognized from the commencement that ministers may be expected to act in concert together.' In view of that fact, I should like to ask the hon. the Chief Minister what his answer is to this question of the Ministry not having accepted this universal demand, if I may say so, for prohibition of all alcoholic drinks.

" My fourth charge is that this Ministry has kept itself in power by unconstitutional means. Lest I may fall into any wrong or improper phrase in this matter, let me quote again my distinguished friend, the hon. Law Member speaking on the 23rd August 1927 on the floor of this House (a voice: 'sitting on this side?'), from this side, of course.

" Now let us see what use my hon. Friend, the Minister for Local Self-Government, had made of his power of nomination to the local boards, in spite of his speech I quoted just now. My friend, Mr. Abbas Ali, whom I do not find here now, has been recently nominated a member of the Municipal Council of Madura. My friend, Mr. Chavadi Subrahmanyam Pillai, I find, has been nominated a member of the Tinnevelly District Board and then my friend Mr. Tajudin has been nominated as a member of the District Board of Tanjore. The Zamindar of Gollapalli got himself nominated to the District Board of Kistna and then my friend, Mr. John, for whom I have considerable regard, has been nominated a member of the District Board of Guntur. Then there is my friend, Mr. Schamnad, who has secured a nomination for the South Kanara District Board. There is Mr. Appavu Chettiyar who has been given a seat on the Temple Committee of Salem. (I do not say these; these are the words of Mr. Krishnan Nayar.) Mr. N. Siva Raj has become a member of the District Educational Council, Chingleput. Mr. M. V. Gangadhara Siva has been given a nomination to the Municipal Council of Cuddapah, Mr. Hampayya has been nominated to the District Board of Bellary, Mr. Nanjappah has been made a member of the District Board, Salem, Swami Sahajanandam has been nominated to the District Board, South Arcot, and also the District Educational Council there and Mr. S. Venkiah has been nominated to the District Educational Council, Kistna,' and himself as Executive Councillor.

" Then my hon. Friends want to know whether our party was in alliance with the party in opposition. Certainly not. For the names will show that not one on this side has been nominated to any of these bodies. Therefore all the nominations came from the Ministerial party. There is another matter. The Chief Minister answered a question of mine put in November 1928.

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I do not see the name of any of the members of this party. There are 63 names; some of the names are duplicated. Roughly there are 50 Members of the Legislative Council who were nominated to these places. Not one of them belongs to our party, and none of our party has been nominated to the various places on the Central Committee, District Educational Councils, District Boards, Municipalities, and so on and so forth. (A voice :—'What about your friends?') They are all my friends; you are also my friend."

* The hon. the PRESIDENT :—" I need not remind the hon. Member of the necessity of his addressing the Chair."

* Mr. S. SATYAMURTI :—" I am sorry, Sir. Sir, that shows that in this Council, 50 gentlemen have received some favour or other from the Government. I am not suggesting for one moment that they are undeserving or that the patronage has been exercised for ulterior motives. At the same time, speaking as a democrat, may I ask whether it is right that in an assembly of 120 Members, of whom the number of Members who usually attend will be 70 or 80, there should be 50 who owe some obligation or other to the Ministry? I think it is not quite sound; it ought to be an exception and not the rule. I am not saying that Members of the Legislative Council ought not to be nominated so long as nominations exist. But to have a number of 50 thus nominated is certainly disproportionate. I am sure every Member of this House will agree with me that this is too wide an exercise of patronage to be justified on any reasonable grounds.

" My fifth charge is it has no policy or programme of its own. Take the Transferred subjects first. May I ask the hon. the Chief Minister what his policy is towards education in all its stages, elementary, secondary, university, women's, technical and vocational education? Whatever his policy may be, he has done nothing to put that policy into effect.

" As regards local self-government, he has not abolished nominations. He has not introduced the amending Bills which he said he would introduce and local self-government goes on just as it did before he assumed office. The Religious Endowments Board is one which still wants money from us and although he promised an amending Bill, it is yet to come. These are the main portfolios under his charge.

" As regards my hon. Friend, the Excise Minister, I have already asked him what his policy is about excise; what his policy is towards medical relief, what his policy is towards Indianisation of the medical services.

" As regards my hon. Friend, the third Minister, I shall not ask him, because I know he has no policy. As regards Reserved subjects, this Ministry has proved to be the weakest Ministry in this House. I am speaking now as one of the careful students of contemporary politics; when the Justice party was in power they were able to control the Reserved half on many occasions. This House remembers the time when the late Sir K. Srinivasa Ayyangar wanted to force the Irrigation Bill down the throat of this House. The Bill was thrown out. But to-day whatever the Reserved half does, the Transferred half is always willing to lend such support as it can to the Reserved half. It seems to me the result is that the Land Revenue Bill has receded wholly into the background; for the first time after these Ministers took office the Government have discovered the new argument that you cannot introduce a Bill regulating assessment in respect of a Reserved subject. Then as regards the Malabar

Tenancy Bill on which my hon. Friend won all his elections, it is again consigned to which place I do not know. (A voice :—to his care.) It will remain there. Then as regards finance, we have this important fact that the Transferred half have supported the Reserved half in whatever they may assign to them. Coming to finance, although the whole of the 3½ crores of provincial contributions have been remitted, on the distinct understanding that the Justice party wanted and this Government agreed to that every pie of that remitted contribution shall be spent on the nation-building Transferred departments, as a matter of fact, very little of it has gone to the Transferred half. What has the Ministry done? Does the Ministry know that, under the financial provisions, if there is a fight between the Reserved half and the Transferred half, if they cannot agree among themselves or if there is difference of opinion between the Reserved half and the Transferred half they can ask the Governor to intervene or to appoint a Financial Adviser? Matters being like these, the Ministry has done none of these things. Apart from this, they have not even spent the money assigned to them ; they could not and have not spent lakhs and lakhs of rupees under Transferred departments, of which there is ample evidence in the Public Accounts Committee's report. Lakhs and lakhs are left unspent under village roads, under public health, under various other departments which are known as nation-building activities. What has the Ministry done about any of these things? They have no time to think about them ; they can only think of keeping themselves in office. (A voice :—that is important.) That is very important. Therefore, it seems to me, and I am just trying to show, that this Ministry has no policy or programme of its own.

"Last, but not least, it has not joint responsibility at all. My hon. Friend the Chief Minister has trampled under foot this principle of joint responsibility. If it means anything at all, it means this :—that, when two of his colleagues resigned, he ought also to have resigned. He might have accepted office again if the House votes confidence in him and not in his two colleagues. To stick to office himself, driving those two colleagues from office, taking up all their portfolios until he could find suitable colleagues to himself is certainly against all sense of joint responsibility. He had no business to do so. His explanation for his not resigning his office is wholly unconvincing. As for want of Ministerial responsibility, that is amply proved ; not to speak of the fact that the present Ministry has ignored altogether the convention that they ought not to suffer defeat in the Council and be in office, not to talk of any critical occasion, on every possible occasion, we have been able to secure the majority of elected Members' votes. Therefore, speaking as one who has read the history of this Council for the last nine years and seen it myself for the last six years, I think I have a right to say that this is the most impotent Ministry I have seen or heard of in this Council, Ministry which has no policy or programme of its own, which has no following in the Council or in the country, which has not the courage or strength to enforce its will upon the House or the Reserved half and which has to go on as best as it can. I say it does not deserve existence, and it does not deserve the votes of this House.

"So far as the attitude of the Ministry towards the Simon Commission is concerned—I do not thereby propose now to discuss the merits of co-operation or non-co-operation with the Simon Commission,—I am discussing it from the point of view of what is right politically in a matter of that kind. It is a

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first class political issue. My hon. Friend, the Chief Minister, in defiance of the vote of this House, in defiance of the vote of his own party not to co-operate with the Simon Commission, co-operated with it. My two friends resigned on that issue, and my submission on the floor of this House is, especially when my hon. Friend, the ex-Excise Minister stated that he was told by the Governor that the Commission and the Government are one and no one can be a Minister who is not willing to co-operate with the Simon Commission, in the view of that statement, did my hon. Friend the Chief Minister agree with that. My two friends accepted office on the distinct understanding given by them that they would not oppose the Simon Commission. This House may have changed its opinion afterwards; I am not concerned with that, Mr. President; but on those days when these critical situations developed, the vote of the House was, by an overwhelming majority, against co-operation with the Simon Commission. In that view, those Ministers alone should have retained office who were boycotters and as in the Central Provinces, those Ministers who respected the vote of the House should not have been compelled to resign; but here in Madras the gentlemen who respected the vote of the House were turned out and he who snapped his fingers at the vote of the House was retained in the office and two men were appointed on the distinct promise that they would defy the vote of the House. I ask in all seriousness, 'Is this developing a sense of joint responsibility or ministerial responsibility to the House?' It is neither, I submit. I therefore venture to say that on the first class political issue of the Simon Co-operation policy, this Ministry has betrayed the confidence the House has placed in it."

* The hon. the PRESIDENT :—"The hon. Member will continue his speech to-morrow. The House will now adjourn and re-assemble to-morrow at 11 o'clock."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.